



An
Bord
Pleanála

Inspector's Report ABP 316312-23

Development

Proposed development at Shanganagh Park (Phase 1) comprising the development of one grass pitch with floodlights, the amalgamation and upgrade of the baseball and cricket facilities, a sprint track with floodlights, basketball area and callisthenics equipment, upgrades to entrances, street furniture, upgrades at the railway crossing to include new paths and ramps/steps with lighting and play space, to include all earthworks, drainage, fencing and netting, tree planting, meadow and all ancillary works.

Location

Shanganagh Park, Shankill, Co. Dublin.

Planning Authority

Dún Laoghaire-Rathdown County Council

Developer

Dún Laoghaire-Rathdown County Council

Applicant

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12. Eileen Counihan
13. Ellis Manners
14. Eugene Ryan
15. Fianna Mac Ginley
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18. Helen Crowley
19. Isolde Harpur
20. Jaime Mc Keown and Beatrice Journee
21. Jill Mc Donald
22. John Coveney
23. John Healy
24. Katja Bruisch
25. Kevin Allwright
26. Kim Mokha McAlinden

27. Mary Treacy
28. Maura Flood
29. Nell Regan
30. Noel and Orla Derham
31. Paul Doyle
32. Paul Smith
33. Phil Twomey
34. Philip Howard
35. Rebecca Beck
36. Ronan Foley
37. Ruben Flores
38. Ruby White
39. Sandra Murphy
40. Sarah Jane Aberaturi
41. Susan Barr
42. Suzanne Cook
43. Suzanne Walker
44. Teresa Duffy
45. Thomas Murphy

Type of Case

EIA Screening Determination

Date of Site Inspection

17th September 2023.

Inspector

Brendan Coyne

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1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations 2001 (as amended), forty-five members of the public are seeking a determination from An Bord Pleanála, as to whether or not the proposal to develop one grass pitch with floodlights, the amalgamation and upgrade of the baseball and cricket facilities, a sprint track with floodlights, a basketball area and callisthenics workout zone, upgrades to entrances, street furniture, upgrades at the railway crossing to include new paths and ramps/steps with lighting 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 covers an area of c. 8.7 hectares and is positioned in the middle of Shanganagh Park, to the west of the DART railway line. The site is located c. 800 meters east of the M11 motorway and c. 530 meters east of the R119 regional road. Currently, the site comprises a large area of public open space. The southwestern section of the site is used for cricket and is occupied by Dún Laoghaire-Rathdown County Cricket Club. The northeastern section of the site is used for baseball and is known as the Shanganagh Baseball Fields. The remaining area comprises grassland and public footpaths. Sections of the grassland are maintained and subject to mowing, with other areas left in meadow state.
- 2.2. Adjacent to the subject site's western boundary lies a more extensive area of public open space that contains several grassed playing fields, which are occupied by Cuala GAA – Shankill Sports Club. The perimeter of the site is bordered by belts of well-established mature deciduous trees. The northern boundary borders St. Ann's Park housing estate to the north and Castle Farm housing estate to the northwest. Pedestrian pathways provide access to the site from both adjacent housing estates.

Shanganagh Castle, designated as a Protected Structure and Recorded Monument, is situated to the west of the site, with Shanganagh allotments further to the west. To the east, the site is bound by the DART railway line, which runs below park level in a north-south direction. Shanganagh Cemetery is located to the south of the site. Across the DART line to the east of the site, accessible via a pedestrian bridge over the railway, lies an extended section of the parklands. Further to the east lies Shankill Beach. Woodbrook Golf Club is located further to the southeast of the site.

3.0 Proposed Development

3.1. Project Description and Overview

3.1.1. The proposed development comprises works by Dún Laoghaire-Rathdown County Council in accordance with Part 8, Article 81 of the Planning and Development Regulations, 2001 (as amended). As stated in the public notice, the proposed development represents Phase 1 of the Shanganagh Park Masterplan and comprises the following:

- The development of 1 no. grass GAA pitch with floodlights
- The amalgamation and upgrade of a baseball and cricket pitch
- A 100m 6-lane sprint track with floodlights
- A basketball area and calisthenics workout zone
- Upgrades to entrances and street furniture,
- Upgrades at the railway crossing to include new paths and ramps/steps with lighting
- All earthworks, drainage, fencing and netting, tree planting and new areas of meadow
- The stated site area of the proposed development is c. 8.7 hectares.

3.2. Documentation associated with the Part 8 application includes *inter alia*, the following:

- Part 8 Report and Drawings – prepared by Dún Laoghaire-Rathdown County Council.

- Environmental Impact Assessment (EIA) Screening Report prepared by CAAS Consultants (April 2023).
- Environmental Impact Assessment Screening Determination prepared by Dún Laoghaire-Rathdown County Council.
- Appropriate Assessment (AA) Screening Report prepared by Altemar Marine & Environmental Consultancy (April 2023).
- Appropriate Assessment Screening Determination prepared by Dún Laoghaire-Rathdown County Council.
- Ecological Impact Assessment (EclA) prepared by Altemar Marine & Environmental Consultancy (March 2023).
- Traffic and Parking Assessment prepared by Traffico Road Safety Engineers (April 2023)
- Arboricultural Assessment and Tree Constraints and Protection Plans prepared by Arborist Associates Ltd. (Jan. 2023)
- Floodlighting Design & Report prepared by Musco Lighting.

3.2.1. As detailed in the Council's EIA Screening Report, the whole masterplan for Shanganagh Park includes plans for a range of other facilities, which includes 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 states that they will be subject to separate planning and environmental assessment compliance requirements in due course.

4.0 Request for Determination

4.1. Applicant's Request

A request was submitted by 45 no. individual submissions, as listed on the cover page above, seeking a determination by the Board as to whether an Environmental Impact Assessment (EIA) would be required for the proposed development. The key issues and concerns raised within these submissions are summarised under the headings below.

4.1.1.1. Comprehensive EIA required for the Entire 2019 Shanganagh Park & Cemetery Masterplan

- The current Part 8 application for the proposed Shanganagh Park Masterplan - Phase 1 is part of the larger "2019 Shanganagh Park & Cemetery Masterplan."
- A previous version of the Phase 1 project was referred to An Bord Pleanála in 2022 for an Environmental Impact Assessment (EIA) determination.
- The 2023 proposal includes significant changes, particularly the reduction from two to one pitch, warranting a new EIA determination.
- The 2023 EIA application needs consideration under the Environmental Protection Agency's 2022 "Guidelines on the information to be contained in Environmental Impact Assessment Reports."

4.1.1.2. Extent of Development and Intensification at Shanganagh Park

- The entire scope of the Park, Cemetery, and Castle grounds under the 2019 Masterplan spans c. 61 hectares (61ha). Specifically, this includes 36 hectares (36ha) for the Park, 20 hectares (20ha) for the cemetery, and 5 hectares for the Castle and non-development grounds.
- The calculated area of the 2019 Masterplan greatly surpasses the threshold for mandatory Environmental Impact Assessment (EIA) for urban development. The EIA threshold for mandatory assessment is exceeded over sixfold in this case.
- When the EIA threshold is exceeded for an urban development, additional conditions pertaining to the development's characteristics and location, as well as potential impact types, are not relevant. Exceeding the threshold mandates an EIA.

- A more conservative calculation focusing solely on the areas within the Park designated for intensive development reveals that these areas exceed the 10-hectare (10ha) threshold for an Environmental Impact Assessment (EIA) of urban development by nearly three times.

4.1.1.3. Major Changes in the 2019 Masterplan

- A breakdown of significant alterations in the 2019 Masterplan compared to the 2008 Masterplan is outlined below, detailing the areas affected and the respective changes:
 - Pitch & running track: 8.7 ha
 - Castle grounds: 5.0 ha
 - Removal of the existing playground: 0.3 ha
 - Construction of new playground: 0.3 ha
 - Removal of floodlighting of front GAA pitch adj. to playground: 1.4 ha
 - Crematorium: 4.2 ha
 - Redesign of existing Park, recycling & cemetery car parks: 1.1 ha
 - Enlarged dog area & new energy generation in outer meadows: 2.2 ha
 - Loss of two meadow fields to Woodbrook golf course: 4.6 ha
 - Total: 27.8 ha
- This estimate specifically focuses on Park areas undergoing intensive urban development. Even under this limited estimation, the calculated area surpasses the mandatory EIA threshold nearly threefold.

4.1.1.4. Scale of Development and EIA Thresholds

- EIA legislation at EU and Irish levels mandates assessing entire projects; splitting or phasing projects to evade EIA thresholds is prohibited.
- The mandatory EIA threshold is 10ha.
- The site is specified as 8.7ha, but the park it's part of exceeds 10ha in total area.
- The actual site area, including site and pedestrian access, is closer to 12ha.

- The Masterplan area covers c. 22ha, while Phase One realistically spans 12ha (not 8.7ha).
- Additional elements like car parking and renewable energy sources may increase it by c. 3ha.
- Despite the stated 8.7ha site area, it forms part of a larger park exceeding the 10ha EIA threshold, prompting consideration of the entire park area.
- Even if below the threshold, significant environmental effects are possible, thereby requiring an EIA pursuant to Section 120(3)(cc) of the Planning and Development Regulations 2001 (as amended).
- A contradiction arises between Section 120(3)(cc)(i) of the Planning and Development Regulations 2001 (as amended) and A4(4) EIA Directive, advocating adherence to A4(4) EIA Directive for consistent assessment.
- An EIA is necessary due to the following reasons:
 - Both EU and Irish EIA laws mandate the assessment of entire projects and prohibit splitting or phasing to evade EIA thresholds.
 - Changes proposed for Shanganagh Park between the 2008 Park Plan and the 2019 Masterplan extend beyond 10ha and exceed the EIA threshold, encompassing developments at and around Shanganagh Castle, playground relocation, GAA pitch alterations, and changes to the existing park car park.
- Even in isolation, the 8.7ha Phase 1 development should undergo a sub-threshold EIA as per planning law due to its characteristics, location, and potential impacts, including the following;
 - Significant destruction of the biodiverse meadow in the designated area.
 - Inadequate assessment and mitigation of environmental effects on residents in adjacent housing estates, including parking, traffic, noise, and litter management.
 - Insufficient evaluation of light pollution effects from flood lighting on nearby estates and bats.

- Social impacts stemming from the loss of passive recreation spaces were not adequately assessed.
- Lack of consideration for alternatives such as upgrading existing playing areas or utilising nearby sites.
- Neglected assessment of cumulative impacts of meadow loss in the Park, including previous instances.

4.1.1.5. Sub-Threshold EIA Consideration

- The Proposed Development, though below the EIA size threshold, is argued to have significant environmental effects.
- Given the compelling case for a comprehensive EIA encompassing the entire project and the inadequacies revealed in the EIA screening process, the discussion of a sub-threshold EIA lacks merit in the absence of adequate Screening.
- The 2022 An Bord Pleanála Inspector's report confirmed that the Phase 1 project itself qualifies as an urban development eligible for EIA, and the applicable threshold is set at 10 hectares.
- In the event that the Board inadvertently proceeds with contemplation of a sub-threshold EIA, a referrer has enclosed an evaluation of the numerous shortcomings and informational gaps observed in the Council's 2022 proposal. These inadequacies, particularly regarding EIA screening, apply to the 2023 proposal.

4.1.1.6. Project Type - Urban Development

- The proposed development is situated in an urban environment within an ecologically sensitive area.
- A referrer highlights that the proposed development constitutes urban development under Schedule 5 Part 2 Class 10(b) PDR.
- This corresponds to Annex II Class 10(b) of Directive 2011/92 as amended (EIA Directive), indicating an urban park.

4.1.1.7. "No Real Likelihood" Test

- R120(3)(cc)(ii)(l) Planning and Development Regulations 2001 (as amended) allows the Board to make a determination that there is "no real likelihood" that the Proposed Development will have significant effects on the environment. This is contrary to A4(4) of the EIA Directive, which only allows for a determination that the Proposed Development is or is not likely to have significant effects on the environment.

4.1.1.8. Issues with Shanganagh Park Masterplan and EIA Screening

- EIA regulations and guidelines emphasise careful consideration for areas like Parks.
- There is an absence of EIA screening or evaluation of significant changes to the park layout in the 2019 Masterplan compared to the 2008 Plan.
- Proposed changes in Shanganagh Park between the 2008 Park Plan and the 2019 Masterplan exceed 10ha, surpassing the EIA threshold. The changes include:
 - Construction of the sports facility,
 - Developments at and around Shanganagh Castle,
 - Relocation of the existing playground,
 - Alterations to GA pitches near the existing playground,
 - Modifications around the existing Park car park.
- The Masterplan's intensified layout with a running track in the Middle Field is not aligned with EIA screening's representation of the project's location as existing sports fields.
- A referrer expresses concern about both initial and revised versions of the Shanganagh Park Masterplan.
- The availability of better solutions, like upgrading existing sports facilities, is highlighted.
- Repeated concerns are raised about the ecological impact of the proposed developments.
- Dún Laoghaire-Rathdown County Council's 'Connecting the Dots' Tree Strategy has identified widespread support, including sports clubs, for preserving the meadow.

- The Irish Government's declaration of a biodiversity and climate emergency in 2019 underscores the need to protect and expand green areas.
- Suggesting that the loss of the meadow could be compensated by tree planting overlooks the severity of the ecological crises we face.
- An Bord Pleanála is urged to align actions with the Government's efforts in addressing the dual biodiversity and climate emergencies.

4.1.1.9. Phase 1 Development Considerations

- Even if the 8.7ha Phase 1 development is considered in isolation, sub-threshold EIA is needed due to significant environmental effects.
- Reasons include the destruction of biodiverse meadows and inadequately assessed impacts on neighbouring estates' residents due to parking, traffic, noise, and litter.
- Inadequate assessment of light pollution effects from flood lighting on estates and bats.
- Concerns about social impacts of passive recreation loss, lack of consideration for alternatives, and cumulative impacts on meadow loss in the Park.

4.1.1.10. An Bord Pleanála's previous EIA Determination in 2022:

- In 2022, the Board did not require the Council to conduct an Environmental Impact Assessment (EIA).
- However, Section 8.2.4 of the Inspector's 2022 report stated that the Phase 1 project qualifies as an infrastructure project in an urban area and should be treated as a Class 10(b)(iv) project under EIA regulations.
- The 2022 Inspector's report refers to the necessity of EIA for Part 2 type developments if they surpass specified thresholds (10 hectares in this instance). This same criterion applies to the current proposal.
- The 2022 EIA determination by the Board was flawed in failing to consider the entire scope of the 2019 Masterplan in line with the established "whole project" EIA principle. This principle is clearly outlined in the Environmental Protection Agency's 2022 EIA guidelines, which align with the previous 2018 guidelines.

- In 2022, the absence of an EIA requirement was based on a misinterpretation where the Board examined the regulations governing sub-threshold developments warranting exceptional EIA cases.
- The current Part 8 application is labelled "Phase 1" of the broader 2019 Shanganagh Park & Cemetery Masterplan.
- The 2019 Masterplan represents a substantial urban development and intensification of the Park compared to the previous 2008 Masterplan.
- Both the Council and An Bord Pleanála overlooked the "whole project" principle in the previous case.

4.1.1.11. Project Splitting/Phasing and Attempts to Avoid EIA Obligations via

- Opposition to the Council's project splitting strategy to evade EIA thresholds.
- EU and Irish laws demand holistic assessment of entire projects, preventing phasing to avoid EIA.
- Both EU and Irish EIA laws mandate the assessment of entire projects and prohibit division or phasing to evade EIA thresholds.
- The Council's approach of segmenting the "Masterplan" into "Phase One" contradicts this fundamental requirement.
- The proposed alterations to the 2019 Masterplan for Shanganagh Park encompass an area significantly exceeding 20ha, surpassing the established 10ha EIA threshold.
- The 2019 Masterplan encompass:
 - "Phase One," constituting an active recreation zone of c. 12ha;
 - Subsequent phased developments surrounding Shanganagh Castle, comprising about 3.5ha;
 - The relocation of the current playground and modifications to GAA pitches, totalling c. 5.5ha;
 - Introduction of new temporary car parking on land designated for a crematorium, occupying roughly 3ha.
- These delineated zones clearly exceed the EIA threshold, making the strategy of project splitting inappropriate.

- Even if the 8.7ha Phase 1 development is considered in isolation, it should still undergo a sub-threshold EIA as per planning law. This is due to its potentially significant environmental effects resulting from its characteristics, location, and potential impacts, including:
 - The proposed pitch would destroy the biodiverse meadow in this Park field.
 - Inadequate assessment and mitigation of environmental effects on residents in nearby housing estates, including parking, traffic, noise, and litter management.
 - Insufficient assessment of light pollution's effects from flood lighting on adjacent woods, hedgerows, birds, estates, bats, butterflies, and bees. Disturbances from construction already impacted bird activity.
 - The site is within a Park, where constant habitat destruction is occurring locally.
 - Inadequate assessment of social impacts caused by the loss of passive recreation, especially for female safety concerns crossing the DART line.
 - Failure to consider alternatives like upgrading existing playing areas or utilising nearby sites.
 - Neglecting cumulative impacts from the loss of meadow areas in the Park, despite existing pressures on nature.
 - There has been a drastic reduction in bird populations like Swallows, Swifts, and Sand Martins nesting in Shanganagh Cliffs, emphasising the need for habitat improvement.
- The Council's endeavour to sidestep an EIA by fragmenting the project contradicts the core principles of the EIA process and the precautionary approach. Both EU and Irish EIA legislation, along with official guidance since EIA's inception in the 1980s, stipulates that any project with the potential for significant negative environmental impact must undergo an EIA. Any attempt to evade this obligation by breaking down the project is considered unlawful.
- Key components surpassing EIA threshold include:
 - Phase One's high-intensity active recreation zone sports facility (12ha approx.)

- Phased developments at and around Shanganagh Castle (3.8ha approx.)
- Relocation of the existing playground and GAA pitch changes (5.5ha approx.)
- Proposed temporary car parking on crematorium land (3ha approx.).
- The Council and the Board might attempt to draw parallels with the "Apple Data Centre" case (Fitzgerald and Daly vs. An Bord Pleanala 2019), where the Supreme Court ruled that masterplans don't necessitate EIAs. However, a critical distinction exists between the "Apple Data Centre" case and Shanganagh Park. Unlike the Apple development, each component in Shanganagh Park has not undergone or will not undergo an EIA process.

4.1.1.12. Cumulative Effects

- The argues against assessing the cumulative effects of this "Phase 1" and the rest of the Masterplan.
- Contrary to EIA principles, the Council's EIA Screening report avoids considering the "whole development", as outlined in 2018 guidelines.
- There is no mention of cumulative impacts with other nearby developments like Woodbrook and Shanganagh Castle.
- The loss of "Two Fields" to the golf course in 2021 isn't factored into cumulative impacts, though significant for biodiversity and passive recreation loss.
- The Screening's conclusions on cumulative effects are incorrect and stem from an insufficient assessment.
- This Screening assessment inadequacy provides no rational basis for the Board's EIA decision, possibly warranting invalidation of the application.
- There is an urgent need to assess the environmental impact of imminent large-scale changes holistically.
- A lot of green space in Shankill has disappeared or is slated for development.
- Examples include land given to a golf club, leading to hedgerow destruction, and territory around Shanganagh Castle designated for social housing.
- The land around Shanganagh Castle is also earmarked for social housing.

- It is important to safeguard the few remaining green spaces in light of these developments.

4.1.1.13. Mitigation Measures and Legal Compatibility

- Section 120(3)(cb)(ii) of the Planning and Development Regulations 2001 (as amended) allows the Board to consider proposed mitigation measures when making its determination. Mitigation measures are outlined in the EIA Screening Document and Ecological Impact Assessment (EclA) provided by the Council.
- As per the EIA Screening Document and Ecological Impact Assessment (EclA), if the mitigation measures are implemented, no significant environmental effects are anticipated, and an EIA would not be obligatory.
- Conversely, not implementing the mitigation measures could result in significant effects.
- Section 120(3)(cb)(ii) of the Planning and Development Regulations 2001 (as amended) permits the Council to include information on mitigation measures in its decision-making, potentially affecting the screening determination under Irish law.
- However, this approach is incompatible with European law due to procedural discrepancies between the Planning and Development Act 2000 and Part 8 of the Planning and Development Regulations 2001 (as amended), which lack a binding requirement for development consent.
- This non-binding nature of proposed measures challenges their sufficiency to eliminate the need for EIA, as claimed by the Council.
- To align with the EIA Directive, it must be recognised that proposed mitigation measures lack enforceability.
- Even if the Board agrees that the mitigation measures could prevent significant environmental effects, the non-binding nature means they can't be considered assured. On this basis, it cannot be concluded that the proposed development will not have a significant effect on the environment.
- This would be in breach of Article 2 of the Planning and Development Act 2000 (as amended), which requires that "before development consent is given, projects

likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment."

- Local authorities possess the power to modify development plans without restrictions, raising concerns about modifying modification measures.
- Consequently, proposed mitigation measures cannot be relied upon as a basis for screening the project for EIA.
- Submission asserts that an EIA requirement is warranted for the proposed project.
- The suggested mitigation measures lack genuine preventive capabilities, offering no guaranteed avoidance of bat impacts.
- Reference is made to Cases C-461/17 Holohan, §47, C-387/15 Orleans, §40, highlighting relevant legal cases.
- The Hellfire Massey Residents v Bord Pleanála case (2022 IEHC 2, §64, Question 3) has been referred to the High Court.
- It is submitted that the answer to the referral question is already provided by the cited case precedents.
- Irish law potentially conflicts with European law regarding mitigation measures and their role in determining the need for EIA.
- An anomaly arises due to the Planning and Development Act 2000 and Part 8 of the Planning and Development Regulations 2001 (as amended), where non-EIA projects are approved without conditions, rendering proposed mitigation non-binding.
- Section 2 of the Planning and Development Act 2000 (as amended) mandates projects with potentially significant environmental effects to undergo assessment before receiving consent.
- Irish regulations may need adjustment to align with this Directive.
- Proposed mitigation measures may not become integral to the project due to the absence of binding obligations.
- This uncertainty prevents their consideration in EIA screening.

4.1.1.14. Challenges to the Council's Rationale for the proposed development

- The Council's rationale for additional sports facilities in Shankill is challenged, suggesting that alternative locations for such facilities should be considered.
- The assertion by the Council that the site is mainly used for baseball and cricket is challenged, as the majority of the area is meadow and open grassland, with these sports occupying a minor portion and having minimal environmental impact.
- The Council's description of Shankill as a developed residential suburban area is contested, highlighting the village's scenic and natural characteristics, including its location near mountains and seascape.
- In recent times, the Council executed a land swap with Woodbrook Golf Club, resulting in the loss of two large tree-lined fields within the Park. This process included the excavation of trees and hedges.
- The Council's proposal contradicts its own Part 8 objectives to uphold the Dún Laoghaire-Rathdown County Biodiversity Action Plan, which emphasises safeguarding existing green infrastructure and promoting the development, design, and management of high-quality natural areas.

4.1.1.15. Council's Inadequate Assessment

- Strong criticism of the Council's misleading statement in the EIA screening that misrepresents the project's impact on the Park and passive recreation.
- Calls for An Bord Pleanála to invalidate the EIA screening report and, consequently, the entire application due to this misleading representation.
- Points out the Council's history of unauthorised preceptive development on the site, reinforcing concerns about project location and transparency.
- The Council's assessment inadequately addresses direct, indirect, and cumulative impacts of the proposed development on the environment.
- The Council relies on flawed reports from the 2021 Part 8 (PC/PKS/03/21) application.
- Dún Laoghaire-Rathdown County Council's (DLRCC) recent notices regarding the proposed "development" of Shanganagh Park claim that there will be no significant environmental impact and, therefore, an Environmental Impact Assessment report

is unnecessary. This assertion lacks credibility within the context of environmental policy.

- DLRCC's plans involve removing the biodiverse "central meadows" of the Park, replacing them with exclusive-use sports pitches, and erecting large gantry-style floodlights. To claim no environmental impact at this scale is highly questionable.
- DLRCC's approach has raised concerns, as they have:
 - Ignored a petition signed by 1,956 individuals opposing the plan.
 - Disregarded the majority (71%) of formal submissions against the plan in 2021.
 - Failed to engage substantially with local residents who wish to preserve the Park's biodiversity.
 - Ignored findings from their own Connect the Dots report in February 2023, which underscored residents' objections.
 - Minimally considered alternative proposals for upgrading existing sports facilities.
 - Re-submitted similar proposals previously halted by a judicial process in October 2022.
- DLRCC's statement that no Environmental Impact Assessment is required indicates a lack of commitment to best-practice environmental regulations. Given these concerns, it is crucial that An Bord Pleanála ensures a comprehensive Environmental Impact Assessment is conducted.
- The appropriate method to identify the optimal location for the sports complex involves directing Dun Laoghaire Rathdown County Council to conduct an Environmental Impact Assessment (EIA) on the complete 2019 Shanganagh Park & Cemetery Masterplan, a 61-hectare urban development project.
- Alternatively, due to an insufficient EIA screening by the Council, An Bord Pleanála should consider deeming the application as Invalid or, failing that, should promptly request additional information concerning the biodiversity concerns related to this proposal. The urgency stems from the commencement of the peak season for wildflowers and bat activity within the Park.

- The Council relied on outdated ecological reports from previous applications (PC/PKS/03/21 and PC/PKS/01/23).

4.1.1.16. Zoning and Open Space

- The Park's zoning, designated as Objective F, aims to "Preserve and Provide for Open Space with Ancillary Active Recreational Amenities."
- The term "ancillary" implies that the primary purpose of the Park is open space, with recreational amenities intended to offer supplementary support.
- Extending sports facilities from the adjacent two fields to the meadow area would shift the Park's focus toward being primarily a sports facility, affecting the proportionality of open space.
- This change would potentially displace other park users to a smaller area east of the railway line.

4.1.1.17. Contrary to Development Plan policy

- The screening determination appears inconsistent with the Council's own Policy Objectives outlined in its County Development Plan 2022-2028, including:
 - Policy Objective GIB18: Protection of Natural Heritage and the Environment
 - Policy Objective G/819: Habitats Directive
 - Policy Objective G/822: Non-Designated Areas of Biodiversity Importance
 - Policy Objective G/823: County-Wide Ecological Network
 - Section 9.1.5 Locally Important Biodiversity Sites

4.1.1.18. Locally Important Biodiverse Site (LIBS) Consideration:

- The entirety of the Park is officially classified as a Locally Important Biodiversity Site (LIBS). This designation is presented on page 45 of the Council's Biodiversity Action Plan 2021-2025. It's crucial to note that this designation's boundary encompasses the fields lost to Woodbrook Golf Club.
- The Council's Biodiversity Plan and the County Development Plan for 2022-2028 comprise a variety of objectives aimed at conserving biodiversity, particularly in response to the Government's declaration of a biodiversity emergency in 2019. These objectives underline the importance of safeguarding biodiversity when making planning decisions.

4.1.1.19. EclA Insufficiency:

- The Ecological Impact Assessment (EclA) conducted lacks the incorporation of the Council's documentation concerning the Park's LIBS designation. This omission extends to the habitats, species, and biodiverse sites forming the basis of this designation. Furthermore, no report from the Council's Biodiversity Officer regarding this development is included.

4.1.1.20. Stakeholder Opposition

- The current plans under reference PC/PKS/01/23 are proceeding despite significant opposition from various stakeholders.
- Demonstrated by over 2,000 signatures on a petition opposing Council plans and advocating for socially acceptable, economically viable, and environmentally sustainable alternatives endorsed by the community, contest the Council's screening determination.
- Petition source: www.change.org/SaveShanganaghPark
- The Council and local representatives are ignoring the wishes of the vast majority of people who use the Park regularly.
- The local community has repeatedly voiced environmental concerns regarding the current masterplan.

4.1.1.21. Citizens Assembly and Biodiversity Conservation:

- The Government established a Citizens Assembly to provide recommendations on biodiversity conservation, with strong overall backing. One of its central themes was the integration of biodiversity preservation into planning decisions. This assembly's recommendations should not be disregarded by planning authorities, given their significance.
- Ironically, the Council introduced this proposal aimed at potentially diminishing documented biodiversity within the Park on April 6, 2023 - coincidentally, the day after the release of the Citizens Assembly Biodiversity report. This juxtaposition raises pertinent questions regarding the project's alignment with broader conservation goals.

4.1.1.22. Impact on Wildlife and Biodiversity

- The proposal would have considerable impacts on the wildlife, flora, fauna and biodiversity within the Park.
- The combined impact of recent developments, such as the Woodbrook golf course and housing projects, has already disturbed resident and migrating birds, bats, and other wildlife.
- The impact on bird life, insects, flora, and other wildlife would be significant.
- The current wildlife corridors at this site are already somewhat fragmented, and the proposed development would worsen this situation. The proposed development would reduce areas that support wildlife and create more gaps in wildlife corridors.
- The potential devastation of biodiversity and the dominance of sports activities are highlighted.
- The limited space for nature and environment in the park compared to the intensity of sports activities is emphasised.

4.1.1.23. Ecological Assessment and Biodiversity

- The ecological evaluation of the biodiverse grassland in question exhibits significant shortcomings. Particularly noteworthy is that it was conducted by a marine biologist. Notably, the list of plant species lacks the inclusion of Yellow Rattle (*Rhinanthus minor*), a species observed in abundance on the site during the summer months.
- It is imperative that An Bord Pleanála urgently seeks more comprehensive data from the Council by requesting detailed grassland surveys carried out throughout the growing season of 2023. These surveys must be conducted by a qualified botanist possessing expertise in species-rich wildflower meadows.
- Highlighting the specific significance of Yellow Rattle in the development of biodiverse meadows within the Park, it is crucial to note its pivotal role. By parasitising and weakening grasses that would otherwise dominate the meadow, Yellow Rattle facilitates the proliferation of a diverse array of wildflower species. These species are derived from seeds that have persisted in the soil since the era preceding intensive agricultural practices.
- This key role of Yellow Rattle has been acknowledged and integrated into the Council's long-standing endeavours to cultivate biodiverse meadows, as

documented in the "Shanganagh Park- Biodiversity Education Programme - An Action of Dun Laoghaire-Rathdown Biodiversity Plan 2009-2013,".

- The assessment of the biodiverse meadow area lacks mention of the Council's own conservation initiatives, including the "Slow to Mow" management program and seed-saving efforts. It is perplexing that the marine biologist involved in the ecological assessment was not informed of these ongoing conservation endeavours.
- The richness of biodiversity within the species-rich meadows is underscored by the Council's active involvement in collecting wildflower seeds from these areas in autumn 2022. This collection initiative is detailed on the Council's website.
- During the Board's site inspection on 1 March 2022, the biodiverse meadow areas were intentionally mown short as per regular management practices, rendering them visually akin to amenity grassland. To ensure an accurate understanding, the Board should plan its site visit during the summer, when wildflowers are in full bloom. Furthermore, the site inspection and assessment of this case should incorporate individuals with specialised knowledge in ecology and nature conservation.
- The meadow areas remained unmown during the 2022/23 autumn-winter period due to excessively wet ground conditions for machinery during seed collection. To maintain ecological integrity during the decision-making process, the Board should promptly request the Council to refrain from mowing the meadow areas, at least until the customary late autumn mowing period.
- Biodiversity matters, particularly relating to bats and biodiverse grassland, are of utmost importance in this case. However, the information provided by the Council falls significantly short of the standards necessary for a proper EIA screening of the proposal.
- While the ideal approach would be for the Board to mandate an EIA for the entire project, if immediate action isn't taken in that direction, then it is imperative for the Board to insist on a substantial increase in biodiversity-related information furnished by the Council.
- Given that the upcoming summer season is crucial for the vibrant wildflower meadow display and heightened bat activity, the Board should promptly request the Council to:

- Undertake comprehensive surveys of both bats and meadows, employing recognised experts in the respective fields.
- Compel the Council to aggregate and publicly release all the available biodiversity data pertaining to Shanganagh Park.
- Obtain and share reports from the Council's own Biodiversity Officer, pertinent to this case.

4.1.1.24. Likely Impact on Bats

- The surrounding trees and hedgerows serve as important foraging and commuting routes for bats, including species like Common pipistrelle, Soprano pipistrelle, and Leisler's bat.
- The proposed development's floodlighting using 24m high poles could potentially affect the treeline and higher areas. The lighting report's focus on areas below 2m height lacks consideration for impacts above this level.
- While mitigation plans suggest switching off floodlights at specific times, uncertainty remains about their effectiveness in preventing disturbance to bats.
- European Court Case C-535/18 highlights the necessity for specific assessments to prevent water quality deterioration. The Habitats Directive extends protection to bats at all times, including commuting and foraging periods.
- Proposed mitigation measures might not genuinely prevent impacts on bats, as indicated by legal cases such as C-461/17 Holohan and C-387/15 Orleans.
- A specific question about EIA for projects affecting bats is referred in the High Court case Hellfire Massey Residents v Bord Pleanala, 2022 IEHC 2, §64.

Bats and Ecological Surveys:

- All conclusions within the Screening report hinge on a small number of bat sightings gathered from three surveys conducted by a marine biologist, exclusively during August & September 2021, as well as September 2022.
- Bat observations extend from February to November, encompassing a broader span and often yielding more recorded bats compared to the Screening surveys.
- These periods coincide significantly with the anticipated heavy usage of floodlights.

- The EIA for the Shanganagh Castle development recognised significant bat utilisation within the woods connecting the Castle grounds and the proposed site.
- Neither the cumulative effects of the Castle development nor its synergy with the current proposal were factored into consideration.
- To ensure a comprehensive understanding, the Board should promptly request the Council to provide more extensive information, notably comprehensive bat surveys conducted throughout the year.
- Evaluate cumulative impacts stemming from adjacent projects and their potential ramifications on bat populations.
- A summary of bat observations within the Park is provided as follows:
 - Bats, particularly pipistrelles, are a frequent presence in the Park, potentially numbering in double figures. Details of bat sightings and bat recording device provided.
 - Bats tend to avoid the cycle path illuminated by streetlights, which were installed after bat observations in 2020. A video link is provided showing the difference in behaviour in the Park.
 - Scientific literature highlights concerns about street lighting's impact on bats. Sources of reference provided.
 - Given the frequency of bat presence, the effects of the Castle Development, and the potential implications of cycle path lighting, further immediate scrutiny of this proposal by a recognised bat expert is imperative.
- Concerns arise from conflicting information about bat detection in June in the same Ecological Assessment, raising questions about report accuracy.
- The EIA screening's dismissal of biodiversity impact contradicts the regular feeding activity of highly protected bat species along the Middle Field's edges.
- Bat species are protected under the Wildlife Acts and Article 12 of the Habitats Directive.
- Personal observations of bats flying around the Middle Field into November challenge the accuracy of the EIA's bat numbers reported during August and September.
- The ecological report's claim of no lost bat roosts overlooks the unaddressed impacts on feeding areas.

- The ecological report's assertion about mitigation effects from floodlighting lacks clarity, and the absence of a non-technical summary further weakens its credibility.
- The ecological report lacks a desk study of bat surveys in nearby areas, like Woodbrook and Shanganagh Castle developments, rendering its conclusions on bats unfounded.
- Proper EIA is warranted to evaluate the impact on critical bat-feeding areas during periods of bat activity and floodlighting use.
- Concerns about the impact on bats due to floodlighting.
- Trees and hedgerows surrounding the Site serve as bat foraging and commuting routes.
- Observed bat species: Common pipistrelle, Soprano pipistrelle, Leisler's bat (white).
- Proposed floodlights use 24m high poles, emitting over 700 lumens downwards.
- The lighting report fails to consider impacts on treelines and higher hedgerows above 2m.
- The proposed switch-off times (8 pm/9 pm) to avoid disturbance provides no guarantee of adherence.
- Mitigation measures are not foolproof, may not prevent disturbance, and can't be excluded from assessment.

4.1.1.25. Likely Impact on Birds

- The Wintering Bird survey identified the presence of up to 100 instances of three gull species (Herring, Black Backed, Mediterranean), along with other bird species, notably including the Great Spotted Woodpecker.
- However, the survey did not establish whether these effects would likely be of significant magnitude and did not address the protection of birds outside special protection areas (SPAs).

- A4(4) of the Birds Directive mandates decision-makers to prevent habitat deterioration for wild birds beyond SPAs.
- A4(4) of the Birds Directive establishes a test for protecting birds outside SPAs.
- Similar to the approach for bats, the obligation to evaluate potential bird impacts prior to project consent applies.
- The survey didn't ascertain the likely significance of these effects or discuss protection measures beyond Special Protection Areas (SPAs).
- The Board should require an EIA, particularly concerning the likely impact on both bats and birds.
- The presence of diverse bird species in the Park, witnessed during a Birdwatch Ireland visit, emphasises its ecological significance.

4.1.1.26. Impact on Core Meadow Area

- The proposal would destroy the meadow in the centre / middle section of the Park and thereby result in a loss of biodiversity.
- The proposed development involves constructing a floodlit pitch on the core meadow area, necessitating the removal of soil, seedbanks, and altering the naturally undulating landscape.
- The proposed sports facilities in the Park could lead to the destruction of the diverse meadow.
- Changes in nature, landform, and plant biodiversity in the Middle Field will be irreversible.
- Conduct a thorough Environmental Impact Assessment (EIA) for the "Meadow Area" of Shanganagh Park.
- The Ecological Assessment acknowledges managed biodiversity in dry meadows and grassy verges, consistent with the Biodiversity Education Programme Report (2009-2013).
- Despite years of successful biodiversity management, the Council's ecological report contradicts the conservation value of these meadows.
- The presence of other more suitable sports pitches in the Park makes the dismissal of these meadows' conservation value more disappointing.

- The meadows' conservation importance would grow with continued management, supporting biodiversity over time.
- These meadows serve as a rare location for many residents to experience such biodiversity in a Park surrounded by urban development, housing, and intensive farming.
- Destruction of these species-rich meadows sends a discouraging message about biodiversity's importance, especially during a global biodiversity crisis.
- The effects on the current state of the Middle Field will be of high intensity and permanent.
- Certain impacts, like the irreversible loss of the Middle Field in its current state, are guaranteed if the project proceeds.
- The proposal will lead to complex changes in biodiversity, human use of the Park, pollution, and nuisance. These impacts merit proper assessment through an EIA.
- Noise from nearby roads and construction machinery threatens the tranquility of the meadow, a key peaceful area of the Park.

4.1.1.27. Loss of Trees and Hedges

- The construction process would lead to the loss of trees and hedges and damage throughout the Park.

4.1.1.28. Traffic and Parking Concerns

- The anticipated traffic and parking issues, especially for St Anne's Park residents, are a concern if the proposed development proceeds.
- The claim of no new car parking space in the proposal raises concerns for Castle Farm and St. Annes Park residents near existing pedestrian access points.
- These access points will be the closest to users of the sports complex arriving by car.
- The Council is aware that during peak times, sports complex users may park in adjacent estates and Shanganagh Grove if access is open.
- The Council lacks a comprehensive plan to manage this parking issue, only requesting people to "refrain" from parking there.

- The Council's approach indicates a lack of consideration for the impacts on local residents, both in terms of traffic effects and environmental assessment.
- The Board is urged to direct the Council to address these concerns.
- The claim of no new car parking space in the proposal raises concerns for Castle Farm and St. Annes Park residents near existing pedestrian access points.
- These access points will be the closest to users of the sports complex arriving by car.

4.1.1.29. Impact on Local Community

- The proposal would have a significant effect on the local community.
- Increased footfall due to the new pitch usage would disrupt both users and nearby residents.

4.1.1.30. Floodlighting and Light Pollution

- The floodlighting report's complexity renders it unintelligible for non-experts.
- The absence of a non-technical summary contravenes established EIA practice.
- Floodlighting the pitch would contribute to light pollution, affecting dark skies, pollinators, and protected bat species in the Park.
- The floodlighting will be frequent and long-lasting during dark winter mornings and evenings.
- Neglects assessment of light spill over the railway onto the outer Park section east of the railway line during floodlight operation.
- There is insufficient evaluation of the effects of lost dark skies during winter mornings and evenings for nearby residents.
- Concern for individuals who value a darker sky for activities like stargazing and astrophotography.
- The installation of floodlights at the rear of the Park would likely harm nesting creatures.
- Upon completion, the proposed development would subject local residents and non-sports users to traffic congestion and light pollution from floodlighting.

4.1.1.31. Impact of Recent Developments

- Substantial developments have occurred in the vicinity of the Park since 2019, both to the north and south, including the areas of Shanganagh Castle and Woodbrook.
- Additional development plans for Woodbrook involve the creation of a neighbourhood centre, various facilities, and a railway station.
- The influx of new residents to Shankill amplifies the demand for green, open, and natural spaces.
- Concerns are compounded by the prior loss of 4ha of park meadow to a private golf club in 2020.
- The purpose of this development and intensification of Shanganagh Park is to accommodate the substantial population growth resulting from nearby housing developments.
- The housing projects adjacent to the Park & Cemetery area are Woodbrook (ABP Ref. 305844-19) to the south and Shanganagh Castle (ABP Ref. 306583-20) to the northwest.
- These developments collectively introduce around 1,300 new homes.

4.1.1.32. Population Growth and Green Spaces:

- Shankill's expanding population necessitates more, not fewer, green areas.
- Community members are not opposed to new sports facilities but emphasise the importance of preserving existing natural spaces.

4.1.1.33. Climate Change and Global Biodiversity Strategies

- As climate-related challenges such as extreme temperatures, rainfall, wind, and more frequent droughts arise, the growth and preservation of new trees become increasingly challenging.
- Given these environmental pressures, safeguarding and valuing the existing trees, hedges, and natural elements become crucial for the community's well-being and the environment's resilience.
- The EU Biodiversity Strategy acknowledges insufficient efforts to preserve and restore biodiversity in Europe.

- The UN Strategic Plan for Diversity urges governments to enforce biodiversity protection.
- The EU Biodiversity Strategy acknowledges insufficient efforts to preserve and restore biodiversity in Europe.
- The UN Strategic Plan for Diversity urges governments to enforce biodiversity protection.

4.1.1.34. Wellbeing and Mental Health

- The Screening fails to acknowledge the potential mental health impact on those who value the Middle Field.
- The importance of green space for wellbeing and mental health is stressed, particularly given the growing population in Shankill.

5.0 Planning Authority Response

5.1.1. Re. EIA Screening and Schedule 7A Information

5.1.2. Schedule 7A of the Planning and Development Regulations 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 Planning and Development Regulations 2001 (as amended), 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.

5.1.3. Dún Laoghaire-Rathdown County Council submitted a response to the request (dated 26th June 2023) with a cover letter providing a link to their Part 8 application, which includes *inter alia*, the Council's EIA Screening Determination and Schedule 7A information therein.

5.1.4. Relevant information in the Part 8 plans and particulars include:

- Appendix 1 - EIA Screening Determination and Schedule 7A Information
- Appendix 5 - Ecological Impact Assessment

- Appendix 6 - Tree Survey & Report
- Appendix 7 - Floodlighting Design

5.1.5. The Council's cover letter to the Board 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 Council states that review of the Schedule 7A information against the Schedule 7 criteria, as set out in section 7 of the EIA screening report) finds that the environmental impacts of the proposed development are not likely to be significant within the meaning of the Directive.

5.1.6. **Re. Commentary on items raised in 3rd party requests**

5.1.7. The Planning Authority provides commentary on items raised in 3rd party requests under the headings below.

5.1.7.1. Re. EIA Determination Request

- The Council has conducted an Environmental Impact Assessment (EIA) screening for a proposed development.
- The findings of this screening are documented in the Council's EIA screening determination.
- The EIA screening was supported by an EIA Screening Report (EIASR) prepared by CAAS Ltd on behalf of the Council.
- Both the EIA screening determination and the EIASR are part of the Council's Part 8 document set.

5.1.7.2. Project type

- Type 10(b)(iv) - Urban development (Sports stadium):
 - In the Environmental Impact Assessment Screening Report (EIASR), Section 4 (S4) provides a rationale for why the proposed development does not align with the project type of "Urban development (Sports stadium)."
 - The proposed development encompasses elements such as a grass sports pitch, upgrades to baseball and cricket facilities, a sprint track, a basketball

area, and a callisthenics workout zone. However, it lacks key characteristics associated with a sports stadium, such as large-scale capacity for multiple thousands of attendees, high noise levels during events due to crowd noise and PA systems, substantial traffic and parking demands arising from large crowds, tall stand structures capable of causing significant landscape and visual effects, and wastewater generation.

- Consequently, the proposed development does not meet the criteria that would typically trigger the need for an Environmental Impact Assessment (EIA) under this project type.

5.1.7.3. Type 13(a) - Changes, extensions:

- Section 4 of the EIASR (ref 13(a) in Project type table) explains why this project type is not considered to be applicable.

5.1.7.4. Area of development [ha]:

- The proposed development does not align with any prescribed project type for Environmental Impact Assessment (EIA) purposes.
- Therefore, the question of the development's area is not relevant in this context.
- However, in a scenario where the proposed development could be categorised as project type 10(b)(iv), its area would be considered sub-threshold according to references S4-S6 of the Environmental Impact Assessment Screening Report (EIASR).

5.1.7.5. Sub-threshold screening requirement/need to have regard to the Schedule 7 criteria:

- The proposed development does not align with any prescribed project type, making it ineligible for sub-threshold classification.
- Consequently, there is no requirement to subject it to screening against the Schedule 7 (Annex III) criteria, nor is there a need to furnish Schedule 7A (Annex IIA) information.
- Additionally, as a precautionary measure and without prejudicing the previous statement, the Environmental Impact Assessment Screening Report (EIASR) does include an evaluation of the project against the established criteria for determining

whether a sub-threshold development should undergo Environmental Impact Assessment (EIA). All comments provided below are presented within this context.

5.1.7.6. Need to consider the whole development/project splitting:

- The entire proposed Part 8 development, including the masterplan for Shanganagh Park and relevant existing and permitted developments, has been thoroughly evaluated.
- These considerations are documented in:
 - Section 2.1 of the Environmental Impact Assessment Screening Report (EIASR).
 - Section 7 of the EIASR, specifically referencing rows 1(b) and 3(g) of the table addressing the Schedule 7 criteria.
 - Point (g) of the Council's EIA screening determination.
- The EIA screening approach employed does not involve project splitting. It does not attempt to divide the Park Masterplan or any other significant project into smaller sections or evade the assessment of cumulative or indirect effects in order to bypass the objectives of the EIA Directive.

5.1.7.7. EIA competency:

- Council staff possess diverse qualifications and have extensive expertise in Environmental Impact Assessment (EIA) matters.
- In addition to their in-house expertise, the Council has enlisted the services of CAAS Ltd to create the Environmental Impact Assessment Screening Report (EIASR) for the project in question.
- Appendix II of the EIASR offers an overview of the competency of the authors involved in the report's preparation.

5.1.8. Re. Specific Environmental and other Concerns

5.1.8.1. Meadow

- Appendix 5 of the Part 8 document set includes an Ecological Impact Assessment (EclA) that evaluates the project's impact on biodiversity, including the meadow area.
- On page 46, it concludes that no significant impacts on terrestrial or aquatic ecology are expected during construction or operation.
- This information is considered in Section 7 of the Environmental Impact Assessment Screening Report (EIASR), alongside other environmental topics.
- The Department of Housing, Local Government, and Heritage (DHLGH) supports the expansion of the managed meadow area in response to potential biodiversity effects.

5.1.8.2. Parking/Traffic

- The Part 8 Report addresses relevant aspects in sections s4 (Car Parking) and s10, along with Appendix 7.
- These considerations are incorporated into Section 7 of the Environmental Impact Assessment Screening Report (EIASR).
- Any expected effects are deemed to be of a small scale and localised nature.
- Management of these matters falls under the Council's routine functions and is not significant within the context of EIA screening.

5.1.8.3. Trees:

- The impact on trees is assessed in the Tree Survey and Report, as referenced in section of the Part 8 Report.
- These considerations are generally included in section 7 of the Environmental Impact Assessment Screening Report (EIASR) as needed for EIA screening, aimed at identifying the likelihood of significant environmental effects resulting from the proposed development.

5.1.8.4. Impact on Wildlife and Biodiversity (Birds, Insects, Bats):

- Effects on biodiversity, including habitats and species, are discussed in Section 4 (Tree Planting and Meadows) and Section 8, along with reference to Appendix 5 (Ecological Impact Assessment) in the Part 8 Report.
- These ecological assessments are taken into account in Section 7 of the Environmental Impact Assessment Screening Report (EIASR).
- Notably, on page 57 of the Ecological Impact Assessment (EclA), consultant ecologists conclude that significant effects on biodiversity are unlikely. Residual effects on biodiversity are characterised as low adverse, site-specific, not significant, and short-term.
- The Department of Housing, Local Government, and Heritage (DHLGH) submission, included as an enclosed copy, indicates satisfaction with the proposal's handling of biodiversity issues, subject to certain recommendations related to path lighting, bat monitoring, amphibian habitat provision, and meadow mowing regime implementation.

5.1.8.5. Sufficiency of Ecological Information:

- The Ecological Assessment Methodology section of the Ecological Impact Assessment (EclA) outlines the approach taken to gather baseline ecological data for the report's purposes. Similarly, the "Data Used for AA Screening" section of the report provides methodology details for the Appropriate Assessment (AA) screening report.
- Both reports confirm that ecological baseline surveys were updated for the current Part 8 process where relevant, including updates for bat, mammal, amphibian, and flora assessments. Wintering bird assessments were conducted in March 2022.
- These reports describe how the collected information aligns with applicable standard requirements.
- The submission from the Department of Housing, Local Government, and Heritage (DHLGH) raises no concerns regarding the ecological survey data provided in the EclA or the AA Screening Report.

5.1.8.6. Litter:

- The management of operational waste, including litter, falls within the Council's routine management functions.

5.1.8.7. Noise:

- Noise effects have been assessed in Section 7 of the Environmental Impact Assessment Screening Report (EIASR).
- Construction phase effects are anticipated to be small-scale and localised, not likely to be significant under the Directive's definition.
- There is no proposal for a Public Address (PA) system. Therefore, operational noise effects are also considered not likely to be significant.

5.1.8.8. Light pollution:

- Light pollution is addressed in the Part 8 Report (s4 Floodlighting), Floodlighting Design report (Appendix 8), and Ecological Impact Assessment (EclA).
- The contents of these reports have been considered in section 7 of the EIA Screening Report.

5.1.8.9. Alternatives:

- There is no requirement to consider alternatives during EIA screening. Such consideration is relevant only if an EIA is mandated.

5.1.8.10. Phasing of Park upgrades:

- The proposed development proposal does not involve phasing. Other aspects of the Park masterplan are discussed in a previous section.

5.1.8.11. Negative effect on community / mental health / social impact:

- Considerations related to community, mental health, and social impact typically fall beyond the scope of EIA requirements (EPA Guidelines, 2022).
- Potential significant effects on Human Health have been generally evaluated in the context of recognised environmental factors, such as noise and landscape, as detailed in section 7 of the EIASR and various sections of the Part 8 Report.

5.1.8.12. Lack of shower / toilet facilities:

- Not an EIA screening issue.

5.1.8.13. Council's own objectives:

- Not an EIA screening issue.

5.1.8.14. Mitigation measures:

- The Environmental Impact Assessment Screening Report (EIASR) complies with the provisions of the EIA Directive and relevant domestic legislation (refer to S.3 of the EIASR). It also takes into account relevant guidance (as set out in S1 of the EIASR).
- Mitigation measures outlined in the Part 8 Report and associated documents are considered binding commitments by the Council if a positive Part 8 consent is granted.
- Some submissions argue that mitigation measures cannot be relied upon as part of the EIA screening process, citing a potential legal anomaly. This is a matter of interpretation of the legislation.

5.1.8.15. Significant effects in general:

- Since the proposed development does not align with any prescribed project type and is not considered sub-threshold, the assessment of the significance of environmental effects is not relevant to the EIA screening outcome.
- Nevertheless, as a precaution, the potential for such effects has been considered, as detailed in Section 7 of the EIA Screening Report. The conclusion is that the environmental impacts of the proposed project are expected to be localised, temporary during construction, and permanent after construction but not likely to be significant under the Directive.

5.1.8.16. Amenity / Loss of passive recreation area:

- The arrangement of park uses falls within the normal functions of the Council.

5.1.8.17. Demolition:

- The proposed development does not involve any demolition of structures.

5.1.8.18. Use of natural resources:

- The level of resource use for a project of this nature is not significant in the context of EIA screening (ref 7 of EIA Screening Report).

5.1.8.19. Cumulative effects:

- Other masterplan elements will undergo separate planning and environmental assessment compliance processes.
- EIA screening will consider all applicable criteria, including cumulative effect considerations.
- Since the proposed development is not expected to cause significant environmental effects, the potential for other existing and/or permitted developments to have significant cumulative impacts is considered negligible (S5.3 of EIA Screening Report).

5.1.8.20. Likelihood of significant effects:

- The EIA Screening Report states that significant environmental effects are unlikely to occur (s7 of EIA Screening Report).

6.0 Reports from Prescribed Bodies

6.1.1. Department of Housing, Local Government and Heritage – Development Applications Unit

6.1.2. The Department of Housing, Local Government and Heritage, Development Applications Unit responded to the Local Authority's notification of the proposed development on the 22nd May 2023, and is summarised under the headings below.

6.1.2.1. Re. Archaeology

- The substantial size of the proposed development raises the possibility of encountering previously unknown archaeological features or deposits during groundworks.
- In alignment with national policy, specifically, Section 3.6.2 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999, the National Monuments Service, Department of Housing, Local Government, and Heritage recommends conducting an Archaeological Impact Assessment, including Geophysical Survey and Archaeological Test Excavation, before deciding on this Part 8 application.
- Archaeological Impact Assessment (AIA) requirements:
 - A report summarising the assessment results should be submitted to the National Monuments Service (NMS) and the Planning Authority before any planning decision is made.
 - The applicant should hire a qualified Archaeologist to conduct the AIA.
 - The archaeologist shall inspect the proposed development site, research its historical and archaeological background, and review relevant documents, maps, and aerial photographs.
 - Archaeological Geophysical Survey must be conducted under a license from the Department of Housing, Local Government, and Heritage, following an approved method statement.
 - Archaeological Test Excavation must also be carried out under a license from the Department of Housing, Local Government, and Heritage, following an approved method statement.
 - Test trenches shall be excavated at locations determined by the archaeologist based on site drawings and the results of the Geophysical Survey, with excavation limited to upper archaeological layers where present. Work must halt if archaeological material is discovered until further guidance from NMS. Clear photographic documentation is required.
 - Upon completion of the work, the archaeologist shall submit a report to the Department of Housing, Local Government, and Heritage and the Local

Authority, summarising the AIA findings, including geophysical survey and test excavation results, with plans and sections.

- If archaeological material is found, additional mitigation measures may be necessary, these may include refusal, redesign to preserve in situ, excavation, or monitoring, as advised by the Department of Housing, Local Government, and Heritage. No decision should be made on the application until these findings are fully evaluated by both authorities.
- These measures will ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

6.1.2.2. Re. Nature Conservation

- The Department had previously submitted a proposal regarding the potential biodiversity impacts of a prior Part 8 proposal (PC/PKS/03/2021) for the same section of Shanganagh Park as the current application.
- The previous submission (enclosed as Appendix I) addressed three key concerns related to flora and fauna effects:
 - Possible effects of flood lighting on bat species.
 - Development's potential effects on smooth newt and frog populations known to breed in a seasonal pond located in a wooded area to the south east of where as part of the previous and current proposals a combined cricket and baseball pitch is to be laid out.
 - Construction of a new access ramp leading to the clearance of a biodiverse scrub area of high biodiversity value along the railway line south from the bridge.
- Regarding flood lighting and its impact on bats, the Department welcomed the timing regime designed to minimise effects on bats in the previous proposal and noted a nearby bat roost.
- The Department now welcomes the similar timing regime for flood lighting in the current Part 8 proposal and the reduction of floodlit football pitches.

- The Department recommends further efforts to minimise light pollution within Shanganagh Park, such as adjusting path lighting to reduce light pollution and considering turning off path lighting during early morning hours.
- To monitor the long-term effects of flood lighting on bats, the Department suggests implementing an annual monitoring program for soprano pipistrelle roosts in St. Anne's Park and reducing floodlighting periods if bat populations decline due to lighting in Shanganagh Park.

Re. Impact on Smooth Newts and Frogs:

- AWN's report states that the proposed development will not affect the seasonal pond's hydrology, which is inhabited by smooth newts and frogs.
- However, the Department expresses disappointment that its previous suggestion to construct a small permanent artificial pond near the seasonal pond was not incorporated into the current proposal.
- The Department considers that installing such a pond as a biodiversity enhancement measure is still warranted, considering the impact of lighting along a nearby path on smooth newts and the potential impact of residential development on newts using a pond in Shanganagh Castle grounds.
- The Department also notes that the seasonal pond has been water-free during recent springs, preventing smooth newts and frogs from breeding for three successive years.
- Global warming, lighting, and residential development pose threats to the park's newt population.
- The Department recommends that, as a condition of the park development, a small permanent artificial pond should be constructed near the seasonal pond basin to conserve smooth newt and frog populations, with the design and location agreed upon with the Dún Laoghaire-Rathdown County Council Biodiversity Officer.

Impact on Scrub Area and Meadow Management:

- The Department welcomes the alteration of the access ramp's orientation, eliminating the need to clear part of the scrub along the DART line.

- Despite earlier damage to the scrub area in February 2022, the reorientation of the proposed ramp should allow for regeneration and future nesting use by scrub-associated bird species like whitethroat and reed bunting.
- The current development proposal results in more of the park being managed as meadow than the previous proposal, which is noted and welcomed.
- The Department recommends maintaining the current mowing regime for the strip of grassland between the footpath and the railway line to retain plant species like cowslip and ragged robin in this area.

7.0 Planning History

7.1.1. Subject site:

P.A. Ref. PC/PKS/03/21 and ABP Ref. JD06D.312429-22 An Bord Pleanála decided on 11/04/2022 that the 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 callisthenics equipment, new paths and ramps and all ancillary works at Shanganagh Park, 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.

7.1.2. West of the 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.

7.1.3. Southwest of the 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.

P.A. Ref. D17A/0065 and ABP Ref. PL06D.249048 - Permission granted in Dec. 2017 for the development of a Specialist Hospital for 56 no. in-patients, out-patient care and teaching unit, including works to Protected Structures.

7.1.4. Southeast of the Site

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

8.0 Policy and Context

8.1. Development Plan

The **Dún Laoghaire-Rathdown County Development Plan 2022-2028** is the operative County Development Plan for the area. Relevant provisions are referenced as follows:

Zoning The subject site is zoned 'Objective F' which seeks 'to preserve and provide for open space with ancillary active recreational amenities'. 'Community Facilities', 'Open Space' and 'Sports Facilities' are Permitted in Principle under this zoning objective, subject to condition a, which requires the following;

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. Any built form to be developed shall be of a high standard of design including quality finishes and materials. The owner shall enter into agreement with the Planning Authority pursuant to Section 47 of the Planning and Development Act 2000, as amended, or some alternative legally binding agreement restricting the further development of the remaining area (i.e. 60%

of the site) which shall be set aside for publicly accessible passive open space or playing fields. Said space shall be provided and laid out in a manner designed to optimise public patronage of the residual open space and/or to protect existing sporting and recreational facilities which may be available for community use.

Chapter 3 - Climate Action

Policy Objective CA1: National Climate Action Policy

Policy Objective CA18: Urban Greening

Policy Objective CA19: Community Woodlands

Chapter 4 - Neighbourhood - People Homes and Place

Policy Objective PHP13: Equality, Social Inclusion and Participation

Policy Objective PHP15: Healthy County Plan

Policy Objective PHP17: Changing Places Bathrooms

Policy Objective PHP20: Protection of Existing Residential Amenity.

Policy Objective PHP35: Healthy Placemaking

Policy Objective PHP36: Inclusive Design & Universal Access

Policy Objective PHP37: Public Realm Design

Policy Objective PHP38: Public Realm Offering

Chapter 5 - Transport and Mobility

Policy Objective T11: Walking and Cycling

Policy Objective T12: Footways and Pedestrian Routes

Policy Objective T13: County Cycle Network

Policy Objective T19: Carparking Standards

Policy Objective T20: Control of On-Street Parking

Policy Objective T29: Traffic Management

Policy Objective T30: Street Lighting

Policy Objective T31: Accessibility

Policy Objective T32: Personal Safety

Policy Objective T33: Directional/ Information/ Waymarking Signage

Chapter 8 - Green Infrastructure and Biodiversity

Policy Objective GIB1: Green Infrastructure Strategy
Policy Objective GIB12: Access to Natural Heritage
Policy Objective GIB14: Public Rights-of-Way
Policy Objective GIB15: Recreation Access Routes
Policy Objective GIB17: Trails, Hiking and Walking Routes
Policy Objective GIB18: Protection of Natural Heritage and the Environment
Policy Objective GIB19: Habitats Directive
Policy Objective GIB20: Biodiversity Plan
Policy Objective GIB22: Non-Designated Areas of Biodiversity Importance
Policy Objective GIB25: Hedgerows

Chapter 9 - Open Space, Parks and Recreation

Policy Objective OSR1: Open Space Strategy
Table 9.1: Hierarchy of Public Open Spaces
Policy Objective OSR3: Future Improvements
Policy Objective OSR5: Public Health, Open Space and Healthy Placemaking
Policy Objective OSR
5: Public Health, Open Space and Healthy Placemaking
Policy Objective OSR7: Trees, Woodland and Forestry
Policy Objective OSR9 – Sports and Recreational Facilities
Policy Objective OSR10: Protection of Sports Grounds/Facilities
Policy Objective OSR13: Play Facilities and Nature Based Play
Chapter 12 – Development Management
Section 12.3.2.3 Community Facilities
Section 12.4.2 Traffic and Transport Assessment
Section 12.4.4 Street Lighting
Section 12.4.5 Car Parking Standards
Section 12.4.5.1 Parking Zones
Section 12.4.5.3 Car Parking – General
Table 12.5 Car Parking Zones and Standards

Section 12.4.6 Cycle Parking
Section 12.4.12 Sports Facilities
Section 12.7 Green Infrastructure and Biodiversity
Section 12.7.1 Green Infrastructure
Section 12.7.2 Biodiversity
Section 12.7.3 Sensitive Landscapes and Site Features
Section 12.8 Open Space and Recreation
Section 12.8.5 Public Open Space – Quality
Section 12.8.5.2 Accessibility, Permeability, Security and Privacy
Section 12.8.6 Biodiversity and SuDS in both Public and Communal Open Space
Section 12.8.11 Existing Trees and Hedgerows
Section 12.9.2 Noise Pollution and Noise Nuisance
Section 12.9.4 Construction Management Plans
Section 12.9.10 Public lighting
Section 12.9.10.1 Light Pollution
Section 12.9.10.2 Street Lighting
Appendix 9 – Ecological Network
Appendix 14 - Green Infrastructure Strategy

8.2. Other Relevant Plans

8.2.1. Woodbrook- Shanganagh Local Area Plan 2017-2023

On the 12th September 2022 the Woodbrook-Shanganagh LAP was extended in accordance with the legislation for a further period of 5 years from the 11th October 2022.

Section 3.6.4.i The Way Forward - Shanganagh Park

Table 10: Shanganagh Park Master Plan -

New Master Plan Envisaged to include the following:

- New children’s play facilities.

- Upgraded paths and new cycleways, improving interconnectivity between the development parcels and public transport nodes.
- Additional landscaping measures to include - landscape gardens, ornamental features and extending and developing natural habitats.
- 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.

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

Section 4.0 Sports and Play – summarised as follows;

- Multiple sports clubs (GAA, soccer, cricket, baseball, athletics) currently use Shanganagh Park.
- Increased local area development puts pressure on the park.
- Proposed solution: Consolidate all sports into a single building to manage parking, circulation, and club synergies.
- Opportunity with Shanganagh Castle acquisition for a large-scale facility with a gymnasium for sports and community use.
- Masterplan aims for a logical layout for nature, horticulture, and active/passive recreation.
- Current sports pitches sprawl across the park, and relocating baseball could harm the park's nature value.
- Masterplan clusters pitches and sports facilities to create space for habitat, maintain proximity to the proposed sports pavilion, and establish distinct user zones.
- Shared use of limited park space is essential.
- Suggests combining cricket and baseball facilities, allowing shared investment in surface and features.
- Long-term sustainable park use requires shared pitch usage among different clubs.
- Proposes two sand-based, floodlit GAA pitches for high-intensity weekend matches.
- Will be carefully managed for quality.

- Other council-owned facilities (Woodbrook College, Stonebridge Road, The Cliffs in Rathsallagh) will ease pitch allocation pressure.
- Proposed relocating the playground from the road to a natural play-space in a tree belt.
- The existing playground will become a tree band with a set-back boundary fence, blending with the streetscape's sylvan character.

Dún Laoghaire-Rathdown County Council Biodiversity Action Plan 2021 -2025

8.3. Natural Heritage Designations

8.3.1. Natura 2000 European Sites within 15km of the site are as follows:

- Bray Head Special Area of Conservation (SAC) (Site Code: 000714) - c. 3.5km to the south.
- Rockabill to Dalkey Island SAC (Site Code: 003000) - c. 2.6km to the north.
- Ballyman Glen SAC (Site code: 000713) - c. 3km to the southwest
- Knocksink Wood SAC (Site Code:000725) - c. 5km to the southwest.
- Dalkey Islands Special Protection Areas (SPA) (Site Code: 004172) - c. 5km to the north.
- Wicklow Mountains SAC and SPA (Site Code: 004040 and 002122) - 7.5 km to the southwest
- South Dublin Bay SAC (Site Code: Site Code: 000210) – c. 7.9 km to the northeast
- The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) - c. 8 km to the northeast
- Glen of the Downs SAC (Site Code: 000719) - c. 9 km to the southwest
- Carriggower Bog SAC (Site Code: 000716) – c.13. km to the southwest
- The Murrough Wetlands (Site Code: 004186) – 1c. 3 km to the southeast
- North Dublin Bay SAC (Site Code: Site Code: 000206) – c.13 km to the northeast
- Howth Head SAC (Site Code: Site Code 000202) - 14 km to the northeast

8.3.2.

9.0 Legislation and Guidelines

9.1. Planning and Development Act 2000, as amended

- 9.1.1. **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.
- 9.1.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

9.2. Planning and Development Regulations 2001 (as amended)

- 9.2.1. **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.
- 9.2.2. **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.
- 9.2.3. **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.
- 9.2.4. **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.

9.2.5. 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.

9.3. **Other**

Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014.

Directive No. 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

European Commission, Directorate-General for Environment, Interpretation of definitions of project categories of annex I and II of the EIA Directive, Publications Office, 2015.

Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).

OPR Practice Note PN02 Environmental Impact Assessment Screening (2021).

Guidelines on the information to be contained in Environmental Impact Assessment Reports published by Environmental Protection Agency (2022)

10.0 Assessment

10.1. Introduction

- 10.1.1. The proposed development, representing Phase 1 of the Shanganagh Park Masterplan, encompasses several key elements, including the construction of a sand-based grass GAA pitch equipped with floodlights, the amalgamation and enhancement of a cricket and baseball pitch, the establishment of a 100m 6-lane sprint track with floodlights, the creation of a basketball area and callisthenics workout zone, and upgrades to entrances and street furniture. Additionally, the project involves enhancements at the DART railway line crossing, incorporating new paths, ramps, steps, and lighting. The proposed development also incorporates tree planting and new meadow sections. Furthermore, improvements to the perimeter path are part of the proposed upgrades. Proposed ancillary works include earthworks, drainage systems, fencing and netting. The stated site area for the proposed development is c. 8.7 hectares.
- 10.1.2. The Council's Part 8 report details how the Shanganagh Park Masterplan identifies an active recreation zone in the centre of the park, west of the DART line. Noting that Dún Laoghaire-Rathdown County Council has one of the highest participation rates in sport per capita in the country, the Council states that the proposal will encourage and facilitate physical activity for all members of the public and park users. The report indicates that currently, there is a lack of suitable facilities for local clubs, particularly during the winter months. Furthermore, clubs are renting grass and all-weather pitches outside of the county for training and matches throughout the winter period.
- 10.1.3. The question for determination by the Board is whether the proposed development requires an Environmental Impact Assessment to be carried out.
- 10.1.4. In response to the 45 no. third party requests for a determination as to whether an Environmental Impact Assessment (EIA) would be required for the proposed development, the Council submitted a response to the request (dated 26th June 2023) with a cover letter providing a website link to their Part 8 application, which includes *inter alia*, the Council's EIA Screening Determination (dated 04th April 2023). The Council explains how the EIA Screening Report prepared on its behalf by CAAS Ltd. is based on the criteria set out in Schedule 7 of the Planning and Development

Regulations 2001 (as amended) and the information required by Schedule 7A of the said Regulations. This information is presented in Section 7 of the EIA Screening Report.

10.1.5. The Council determined that the review of the Schedule 7A information against the Schedule 7 criteria, as set out in Section 7 of the EIA Screening Report, finds that the environmental impacts of the proposed development are not likely to be significant within the meaning of the Directive. The Council's EIA Screening Report concludes that phase 1 of the proposed sporting facilities at Shanganagh Park does not need to be subject to an Environmental Impact Assessment and that an Environmental Impact Assessment Report is not required.

10.1.6. In consideration of the above, the following matters are considered relevant in the assessment of whether the submission of an EIAR is required:

- Is the proposed development a project as per the EIA directive?
- Is the project listed in Schedule 5 Part 1, or does it meet or exceed the thresholds in Part 2 of the Planning and Development Regulations 2001 (as amended).
- Is the project 'sub-threshold'?
- Has Schedule 7A information been provided with the proposal?
- Assessment of proposed development under the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended and Schedule 7A information.

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

10.2. **Project Type**

10.2.1. In their referral submissions, the referrers raise several important considerations regarding the nature and scale of the proposed development. In relation to project type, the referrers assert that the proposed development falls under Schedule 5 Part 2 Class 10(b) of the Planning and Development Regulations, which corresponds to Annex II Class 10(b) of the EIA Directive. This classification implies that the project constitutes urban development under EU and Irish law.

10.2.2. The EPA 'Guidelines on the information to be contained in Environmental Impact Assessment Reports' (2022) states that the first step is to examine whether the proposal is a 'project' as understood by the EIA Directive. Projects requiring environmental impact assessment are defined in Article 4 and set out in Annexes I and II of the EIA Directive, including but not limited to those projects specified in Schedule 5 of the Planning and Development Regulations 2001 (as amended). If a proposed project is not of a type covered by the Directive, there is no statutory requirement for it to be subject to environmental impact assessment. Schedule 5 of the Planning and Development Regulations 2001 (as amended) sets out classes of development for the purposes of Part 10 (Environmental Impact Assessment).

10.2.3. Having reviewed the details of the proposed development and the relevant legislation, I consider the proposed development to constitute a sports and recreational infrastructure project with associated site infrastructure and landscaping components. Given the location of the proposed development in an urban 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 (extended), I consider the proposed development comprises an urban development infrastructure project as prescribed under Schedule 5 Part 2, 10(b)(iv) of the Planning and Development Regulations 2001 (as amended).

10.2.4. As detailed in Section 4.0 of the 'OPR Practice Note PN02 - Environmental Impact Assessment Screening' (2021), EC Guidance recommends that an urban development project should be seen as a project that is urban in nature regardless of its location. Commonly understood urban developments that should be considered in the context of Schedule 5 Part 2, 10(b)(iv) would include public realm improvement schemes, many of which would be subject to the Part 8 process if EIA is not required. The relevant definitions in Schedule 5 Part 2, relevant to Class 10(b)(iv) Urban Development, are as follows:

- A 'city' or 'town' is as provided for in the Local Government Act, 2001.²⁸ The cities are Dublin, Cork, Limerick, Waterford and Galway.
- 'Built-up area' means a 'city' or 'town' or an adjoining developed area.²⁹ An adjoining developed area can be taken to mean contiguous suburbs. •

- 'Elsewhere' is not defined but can be taken to mean any area outside of the above, including all towns not identified in the Local Government Act 2001.

10.2.5. In light of this classification as urban development, the next crucial step is to assess the relevant thresholds prescribed under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, to determine whether the project exceeds a specific threshold.

10.3. **Threshold Assessment - Is the project a 'sub-threshold development'?**

10.3.1. Schedule 5 Part 2, 10(b)(iv) of the Planning and Development Regulations 2001 (as amended) defines 'urban development' as that 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'.

10.3.2. The proposed project does not meet or exceed the applicable thresholds outlined in Schedule 5 Part 2, 10(b)(iv) of the Planning and Development Regulations 2001 (as amended) by reason that the stated site area of the proposed development is c. 8.7 hectares, which falls below the specified thresholds of 10 hectares for other parts of a built-up area and 20 hectares for areas elsewhere, as defined in the regulations.

10.3.3. Given that the proposed project is a class set out in Schedule 5, Part 2 but does not meet or exceed the relevant thresholds, it is a 'sub-threshold development' and must be screened for Environmental Impact Assessment. Subsequently, an assessment as to whether the proposed development should be subject to EIA having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and Schedule 7A information is set out below.

10.4. **Has Schedule 7A information been provided with the proposal?**

10.4.1. An Environmental Impact Assessment Report (EIAR) has not been submitted with the application. The Council's EIA Screening Report for the proposed development has regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) for determining whether development listed in Part 2 of Schedule 5 should be subject to EIA and to the information required by Schedule 7A for the purposes of screening sub-threshold development for EIA. This information is set out in Section 7 of the EIA Screening Report.

10.5. Examination - Should the project be subject to Environmental Impact Assessment?

10.5.1. Schedule 7 of the Planning and Development Regulations 2001 (as amended) sets out the criteria for determining whether development listed in Part 2 of Schedule 5 of the Regulations should be subject to an environmental impact assessment under the following headings;

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

10.5.2. The proposed development is assessed against the criteria under each of these headings below accordingly, having regard to the Schedule 7A information provided in the Council's EIA Screening Report and relevant information contained in the other Part 8 plans and particulars, including *inter alia* the following;

- Ecological Impact Assessment (EclA)
- Arboricultural Assessment, Tree Survey & Report
- Floodlighting Design
- Appropriate Assessment Screening Report
- Traffic & Parking Assessment Report
- Proposed Development of Shanganagh Park Masterplan – Phase 1, Part 8 Report.
- Shanganagh Park and Cemetery Masterplan 2019

10.6. Characteristics of the proposed development

10.6.1. Schedule 7 of the Planning and Development Regulations 2001 (as amended) requires a description of the characteristics of proposed development, with particular regard to: - (a) the size and design of the whole of the proposed development, (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, (c) the

nature of any associated demolition works, (d) the use of natural resources, in particular land, soil, water and biodiversity, (e) the production of waste, (f) pollution and nuisances, (g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and (h) the risks to human health (for example, due to water contamination or air pollution). The characteristics of the proposed development are described under the headings below accordingly.

10.6.2. The size and design of the whole project

10.6.3. The stated area of the site, as outlined in red on the site location plan, is c. 8.7 Hectares. As detailed in Section 3 above, the proposed development comprises the construction of a sand-based grass GAA pitch equipped with floodlights, the amalgamation and enhancement of a cricket and baseball pitch, the establishment of a 100m 6-lane sprint track with floodlights, the creation of a basketball area and callisthenics workout zone, and upgrades to entrances and street furniture. The project involves enhancements at the DART railway line crossing, incorporating new paths, ramps, steps, and lighting. The proposed development also incorporates tree planting and new meadow sections. Furthermore, improvements to the perimeter path are part of the proposed upgrades. Proposed ancillary works include earthworks, drainage systems, fencing and netting.

10.6.4. The Shanganagh Park Masterplan – Phase 1 Part 8 report provides further details on the design components of the proposed development, as follows;

Sand-Based Grass Pitch: The topsoil will be stripped and stored on-site for future use. The area will be regraded using a cut-and-fill method to create a level pitch platform with falls and crossfalls. Before the topsoil is placed on the final levels and sand is ameliorated into the surface, the area will be drained using land drains and slit drains. West of the proposed pitch will also be a warm-up area.

Cricket & Baseball Facilities: The cricket and baseball facilities will be combined in an area south of the proposed pitch, where the cricket pitch is currently located. This will include a standard baseball field with a diamond of 60/90 dimensions and a competition cricket field with a synthetic crease. Furthermore, a fixed batting cage/cricket cage with 16z soft netting and an artificial surface for practice is proposed, as well as all associated fencing, netting, and storage.

Sprint Track: It is proposed to build a six-lane 100m sprint/hurdles track with polymeric surfacing that meets World Athletics standards, as well as long and triple jump facilities. This will also include a storage area (mesh-fenced cage), a perimeter path, and 1.2m-high weldmesh fencing.

- 10.6.5. Floodlighting: The floodlighting design employs the latest technology to reduce the impact of light spill on adjacent lands, trees, and hedgerows. The grass pitch floodlighting has been designed to achieve an average light level of 500 lux, which is suitable for competitive hurling. Other potential sporting uses (soccer, Gaelic football, and rugby) necessitate a lighting level of 250 lux, so the system can be dimmed, and this lighting level will be most commonly used. The lighting design incorporates 9 no. 24.4m high galvanised steel columns, similar to those found in all-weather pitches throughout the county. The sprint track floodlighting has been designed to achieve an average light level of 200 lux in accordance with World Athletics Standards. The lighting design incorporates 2 no. 15.4m high galvanised steel columns, similar to those found in tennis courts across the county. The luminaires will be LED, which consumes far less energy than the metal halide alternative. Associated civil works (ducting, column foundations, mini pillar installation, etc.) will be completed while all electrical controls and switches are relocated to an area adjacent to the substation at the tree line.
- 10.6.6. A three-phase power connection and associated ESB substation are required, which will be located near the St. Annes maintenance access gate in the tree line. The lighting design adheres to the Chartered Institute of Building Services Engineers Lighting Guide 4: Sports Lighting (CIBSE LG4) as well as 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. All of the lighting has been designed to be bat-friendly.
- 10.6.7. As stated in the Masterplan report, the floodlights will only provide the amount of light required for the task at hand and will shield the light emitted to avoid creating glare or omitting light above the horizontal plane. A lighting design and report prepared by MUSCO Lighting is submitted with the application. The floodlighting will be operational from Monday through Friday, from 7:00 a.m. to 22:00 p.m., and Saturday and Sunday, from 9:00 a.m. to 20:00 p.m. However, because the pitches are grass, floodlights are unlikely to be used for more than 12 hours per week on average. Significant seasonal

restrictions will also be implemented, as outlined in the Ecological Impact Assessment (EclA) and AA Screening report, to minimise any impacts on bats, including no floodlighting in April, May, August, and September. Following construction, a light test will be performed, and a bat specialist will provide a report to confirm compliance.

- 10.6.8. Surface Water Drainage: Slit drains and perforated lateral drains will be installed across the pitch and will be directed to a bioretention area via collector drains installed around the pitch's perimeter. Minor drainage will take place at the cricket/baseball field, sprint track, and the bottom of any steep slopes as needed. The attenuation system will be an above-ground bioretention pond located along the field's northern boundary, and it has been designed to provide attenuation for the 1.0% AEP (1:100 year) storm event. In accordance with the Greater Dublin Strategic Drainage Strategy (GDSDS), the attenuation system outflow will be controlled by a hydrobrake connected to the existing surface water drainage system, with the outflow limited to 2l/s/ha or Q_{bar} , whichever is greater.
- 10.6.9. Callisthenics: A callisthenics and functional workout area is proposed to the east of the meadow, near the bridge crossing. It will include an overhead ladder, incline press, triple bars, pull-up station, decline bench, dip bench, sit-up bench, and multi-exercise combi-station. It will be designed for competitive training but will be appropriate for all levels and abilities.
- 10.6.10. Fencing & Netting: To protect members of the public, the cricket and baseball zones will include a fenced zone to the rear of the batting area. To the rear of the baseball diamond, the fencing will reach a maximum height of 9m. The sprint track will be surrounded by a minimum 1.2m high weldmesh fence with pedestrian and vehicular access gates.
- 10.6.11. Play Area: A natural play area near the DART crossing is proposed. This will incorporate free-play elements, including balance beams, balance nets, stepping stones and hoping blocks.
- 10.6.12. High Ballstop Netting: The GAA pitch will have ballstop netting behind the goals. Netting will be supported by galvanised steel uprights to a height of 13.5m.
- 10.6.13. Bicycle Parking: Bike stands will be located near the St. Annes entrance and the DART line bridge crossing.

- 10.6.14. Car Parking: The site will be served by the main car park at Shanganagh Park & Cemetery. Dun Laoghaire Rathdown County Council will actively work with club users to promote more environmentally friendly modes of transportation and to discourage parking in nearby housing developments.
- 10.6.15. Entrances: The entrance to St. Annes will be upgraded to increase permeability and promote accessibility for all.
- 10.6.16. Mounding: Earth mounds will be placed south and east of the pitch for viewing. These mounds will be planted with trees and managed as a meadow.
- 10.6.17. Access Over DART Line: To enhance DART line access, a more accessible ramp (1:15 gradient) will be built. New steps, tactile paving, and handrails will be added in accordance with Part M. Additionally, this area will include seating and resting/viewing areas.
- 10.6.18. Footpaths: The footpath along the meadow's eastern edge will be widened to c. 3.5m.
- 10.6.19. Services: The ESB and water connections will be routed via the nearby St. Annes estate. A small galvanized and powder-coated substation will be installed in the treeline near the maintenance access gates from St. Annes. The surface water connection from the attenuation system will be installed in the same trench to minimize the impact on trees and hedgerows.
- 10.6.20. Refillable Water Fonts: Refillable water fonts will be placed at appropriate locations throughout the site.
- 10.6.21. Tree Planting: Significant additional tree planting will occur throughout the site to enhance the sense of enclosure and provide shelter for the sports. The majority of the proposed planting will be native species, with some suitable non-native species being provided. The new planting will primarily consist of whips and standards but will also include some semi-mature trees to have an immediate impact on the site. This will help to sequester carbon, improve air quality, and increase biodiversity. The area for new tree planting is estimated to be one hectare.
- 10.6.22. Meadows: The areas that are not used for sports will be managed as meadows with paths that can be cut through if necessary. This will provide a buffer for the woodland and hedgerows, as well as add interest and improve biodiversity. In

accordance with the All Ireland Pollinator Plan, the meadows will be interspersed with significant additional tree planting and improved through good management. The existing meadow is estimated to be 2.32 hectares in size, while the proposed meadow is estimated to be 2.87 Hectares in size.

10.6.23. Construction: Construction management for the proposed development includes construction hours from 07:00 to 19:00, Monday to Saturday, with a commitment to maintain public roadways in a safe and orderly state. Any road damage resulting from construction will be repaired. Best practices for waste management will be adhered to for construction and demolition waste. All construction activities and staff facilities, including parking, will be accommodated on-site. Strict measures will be taken to prevent material discharge into watercourses and protect against erosion during rainfall. Construction access will be via Shanganagh Park and the crematorium field, with a construction compound provided within the site boundary and a holding area for materials to be located in the crematorium field. The construction will be phased, starting with tree removal outside of the nesting season, earthworks, floodlight and netting installation, drainage system setup, sub-base preparation, and finishing with tree planting and other amenities (street furniture, bike stands, hand rails etc.).

10.6.24. Other existing or permitted projects that could give rise to cumulative effects

Other recently permitted developments in the vicinity of Shanganagh Park are detailed in Section 7.0 above. To the west of the site, permission was granted in July 2020 under ABP Ref: 306583-20 for a residential development consisting of 597 units. This development encompasses a mix of housing, apartments, and build-to-rent apartment units. Additionally, it includes ancillary commercial uses, including a retail unit, café, and crèche, situated on c. 9.69 hectares. Regarding Appropriate Assessment Screening, the Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites. The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed and compliance with the conditions imposed, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable.

10.6.25. To the southwest of the site under ABP Ref: 305844-19 permission was granted in February 2020 for a strategic housing development comprising 685 residential units, including 207 houses and 478 apartments, along with a creche and associated site works. The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites and concluded that, by itself or in combination with other developments in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not required. The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions imposed, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.

10.6.26. To the southeast of the site, under P.A. Ref. D20A/0744 permission was granted in May 2021 for the construction of a new DART/Railway Station at Woodbrook, located just south of the masonry over Rail Bridge OBR 134, Shanganagh Cemetery. The Planning Authority screened the proposed development for Appropriate Assessment and concluded that the proposal would not significantly impact a Natura 2000 site. The Planning Authority also screened the proposed development for Environmental Impact Assessment and determined that no real likelihood of significant effects on the environment would arise from the proposed development.

10.6.27. To the southwest of the site, under P.A. Ref. D17A/0065 and ABP Ref. PL06D.249048, permission was granted in December 2017 for the development of a Specialist Hospital designed to accommodate 56 in-patients, along with outpatient care and a teaching unit. This development also involved work to Protected Structures. The Board adopted the Inspector's report, which determined that no Appropriate Assessment issues arose and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. A Stage 2 Appropriate Assessment was not, therefore, required.

10.6.28. The assessment of other permitted projects in the vicinity demonstrates that they are not likely to have cumulative effects with the proposed development. This

conclusion is based on the environmental impact assessments and appropriate assessment screenings undertaken by the Board and Dún Laoghaire-Rathdown County Council. There are no other projects or permitted developments of significance in the vicinity that could give rise to cumulative effects with the proposed development. On this basis, I conclude that there are no other existing or permitted projects that could give rise to cumulative effects with the proposed development.

10.6.29. The nature of any associated demolition works

10.6.30. There are no buildings/structures on the site that require demolition.

10.6.31. Use of natural resources, in particular land, soil, water and biodiversity

10.6.32. The site primarily consists of greenfield public open space, encompassing woodland, meadows, and mowed grasslands used for sports and recreational activities. As outlined in the Arboricultural Assessment of the site's trees, the proposed development necessitates the removal of specific vegetation, including 16 individually tagged trees and five trees from Tree Group No. 1. Additionally, it involves the clearance of 764m² of tree belts/wooded areas and c. 30m x 16m length of hedging. Within this, tree vegetation for removal is made up of the following category grades:

- Category 'A' – c.64m² of a linear tree belt (Tree Belt No.1). Category 'A' denotes trees of high quality and value with a minimum life expectancy of 40 years.
- Category 'B' – 5 no. trees plus 5 no. trees from a tree group, 700m² of tree belts, plus c.30m x 16m section of hedging. Category 'B' represents trees of moderate quality/value with a minimum life expectancy of 20 years.
- Category 'C' – 13 no. trees'. Category 'C' indicates trees of low quality/value with a minimum life expectancy of 10 years.

10.6.33. The loss of tree vegetation is scattered throughout the site, and their location is detailed in the Tree Protection Plan. In the overall context of the tree cover in the park, the extent of tree cover being lost to facilitate the proposed development will have a minimal impact on the treescape of the greater area.

10.6.34. To mitigate the loss of the aforementioned tree and hedge vegetation, significant additional tree planting will take place throughout the site. The majority of the proposed planting will be native species with some suitable non-native species.

The new planting will primarily consist of whips (2-3ft plants) and standards (up to 8ft) but will also include some semi-mature trees to have an immediate impact on the site. This will help to sequester carbon, improve air quality and increase biodiversity. The area for new tree planting is estimated as the equivalent of 1 Hectare of additional woodland. The proposed tree planting will complement the development and its incorporation into the surrounding area.

10.6.35. The nature and scale of the proposed development would not result in a significant use of any other natural resources.

10.6.36. Production of waste

10.6.37. Production of waste will arise in relation to the excavated material from the site. As detailed in the Appropriate Assessment Screening Report, site clearance will involve the removal of the surface of much of the site outside of the tree protection zone. Further details are provided in the Ecological Impact Assessment (EclA), where it is stated that 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 pitch only with falls and crossfalls. Earth mounding will be provided to the south and east of the pitch for viewing. These mounds will be planted with trees and likely to be managed as a meadow.

10.6.38. The proposed works, as outlined, are unlikely to result in a significant production of waste. The topsoil removal and re-use, along with the use of a cut and fill method to create a level platform, demonstrate an efficient approach that minimises unnecessary waste generation. Furthermore, the integration of earth mounding and tree planting, as well as potential meadow management, not only serves ecological purposes but also contributes to waste reduction and sustainable land use practices.

10.6.39. Waste generation during both the construction and operation phases of the project is expected to be within the standard range for small-scale works. No significant waste streams will be generated.

10.6.40. Pollution and Nuisances

10.6.41. The potential for pollution and nuisance arising from the proposed development would be limited. During construction, the proposal is likely to generate short-term,

localised noise and dust. It will also generate low levels of construction traffic. Post-construction, the proposal is unlikely to cause pollution or nuisance.

10.6.42. The proposed floodlight, consisting of 9 no. 24.4m high galvanised steel columns have the potential to cause light pollution. As outlined in the AA Screening Report and the Shanganagh Park Masterplan – Phase 1, Part 8 Report, 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. Compliance with these guidelines will ensure that the floodlights will deliver only the required level of illumination for the designated activities while also incorporating shielding to minimise glare and prevent light spillage above the horizontal plane.

10.6.43. Risk of major accidents and/or disasters

10.6.44. There are no risks of major accidents and/or disasters which are relevant to the project, including those caused by climate change. There are no COMAH sites in the vicinity.

10.6.45. Risks to human health

10.6.46. There are no significant risks to human health associated with the proposed development. Construction-related impacts, including noise, dust, construction activities and traffic, will not be significant and will be effectively managed through comprehensive site management measures outlined in the Ecological Impact Assessment (EclA). The potential health risks associated with water contamination, air pollution, noise, and similar factors are considered negligible. The continued use of the area for sports, recreational and amenity purposes is expected to have a positive impact on human health.

10.6.47. A traffic and parking assessment report is included as an appendix to the Part 8 report. Table 4.1 of this report sets out potential traffic and parking risks and ranked countermeasures designed to mitigate or remove traffic management risks. Countermeasures are summarised as follows:

- Coordinated event planning between park operators, cemetery operators, and event organisers to minimize congestion in access areas like Quinn's Road and local housing estates.
- The creation of a comprehensive travel plan made easily accessible to the public and stakeholder groups.
- Strategies for managing parking, especially in local housing estate streets, to discourage errant parking during events.
- Timed planning for sports events to avoid weekday commuter peaks and to make optimal use of the additional 70 parking spaces at Shanganagh Castle.
- Implementing facilities and measures to make walking and cycling more attractive, thereby reducing vehicle dependence.
- Formal drop-off facilities to discourage ad-hoc, unsafe dropping-off practices.
- Coach parking facilities for away teams.
- A contingency plan to manage the overlap of events with other activities like burials in the nearby cemetery.

10.6.48. These countermeasures are designed to manage and mitigate potential risks to human health arising from traffic and parking issues and thereby ensure public safety and well-being.

10.7. Location of the proposed development

10.7.1. Schedule 7 of the Planning and Development Regulations 2001 (as amended) requires an assessment of the environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to:

- (a) the existing and approved land use,
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v)

areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and; (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure; (vii) densely populated areas; (viii) landscapes and sites of historical, cultural or archaeological significance.

10.7.2. Following guidance set out in the 'OPR Practice Note PN02 - Environmental Impact Assessment Screening' (2021), the location of the proposed development is examined under the headings below, having regard to (a) existing and approved land use, (b) the relative abundance, availability, quality and regenerative capacity of natural resources, and (c) the absorption capacity of the environment.

10.7.3. General Description of the Site and Surroundings

10.7.4. A general description of the site and its immediate surroundings is provided in Section 2.0 above. The subject site covers an area of c. 8.7 hectares and is situated in the middle of Shanganagh Park, west of the DART railway line. Currently, the site primarily serves as public open space with several distinct features. To the southwest, there is a dedicated area for cricket activities, which is currently utilised by the Dún Laoghaire-Rathdown County Cricket Club. On the northeastern side, a designated area is allocated for baseball, and this space is known as the Shanganagh Baseball fields. The rest of the site consists of grassland and public footpaths. Notably, within the grassland, some sections are regularly mowed, while others are intentionally left unmown in meadow state, contributing to the varied grassland landscape of the site.

10.7.5. Adjacent to the western boundary of the site, there is a larger area of public open space, hosting several grassed playing fields occupied by Cuala GAA – Shankill Sports Club. The site is surrounded by mature deciduous trees along its perimeter, with its northern boundary bordering St. Anne's Park housing estate to the north and Castle Farm housing estate to the northwest. Pedestrian pathways provide access to the site from both adjacent housing estates.

10.7.6. To the west of the site, Shanganagh Castle, designated as a Protected Structure and Recorded Monument, is situated, along with Shanganagh allotments. The eastern boundary of the site is formed by the DART railway line, which runs below park level

in a north-south direction. To the south of the site lies Shanganagh Cemetery, while to the east, across the DART line, there is an extended section of parklands accessible via a pedestrian bridge over the railway. Further east is Shankill Beach, and to the southeast of the site lies Woodbrook Golf Club.

10.7.7. Proximity to Designated Sites:

10.7.8. The subject site is not located within or close proximity to any Natura 2000 European Sites, NHAs/pNHAs or designated nature reserves. Natura 2000 European Sites within 15km of the site are as follows:

- Bray Head Special Area of Conservation (SAC) (Site Code: 000714) - c. 3.5km to the south.
- Rockabill to Dalkey Island SAC (Site Code: 003000) - c. 2.6km to the north.
- Ballyman Glen SAC (Site code: 000713) - c. 3km to the southwest
- Knocksink Wood SAC (Site Code:000725) - c. 5km to the southwest.
- Dalkey Islands Special Protection Areas (SPA) (Site Code: 004172) - c. 5km to the north.
- Wicklow Mountains SAC and SPA (Site Code: 004040 and 002122) - 7.5 km to the southwest
- South Dublin Bay SAC (Site Code: Site Code: 000210) – c. 7.9 km to the northeast
- The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) - c. 8 km to the northeast
- Glen of the Downs SAC (Site Code: 000719) - c. 9 km to the southwest
- Carriggower Bog SAC (Site Code: 000716) – c.13. km to the southwest
- The Murrough Wetlands (Site Code: 004186) – 1c. 3 km to the southeast
- North Dublin Bay SAC (Site Code: Site Code: 000206) – c.13 km to the northeast
- Howth Head SAC (Site Code: Site Code 000202) - 14 km to the northeast

10.7.9. The nearest NHAs/pNHAs to the site are as follows;

- Loughlinstown Woods pNHA (Site Code: 001211) c. 2 km to the northwest
- Dalkey Coastal Zone And Killiney Hill pNHA (Site Code: 001206) c. 2.5km to the north

- Bray Head pNHA (Site Code: 000714) c. 3.5km to the south
- Ballyman Glen pNHA (Site code: 000713) c. 3km to the southwest
- Dingle Glen pNHA (Site Code: 001207) c. 3km to the northwest

10.7.10. Ecologically Important Areas:

10.7.11. The subject site is zoned 'F' with the objective 'To preserve and provide for open space with ancillary active recreational amenities. Adjacent lands to the southeast, on the eastern side of the DART rail line, are zoned 'GB' with the objective 'To protect and enhance the open nature of lands between urban areas'. Belts of trees extend around the perimeter of the site. The perimeter of the site is characterised by belts of mature deciduous trees. The rest of the site consists primarily of cut and meadow grassland and public footpaths. A seasonal pond is located on land south of the site.

10.7.12. Shanganagh Park is designated a Locally Important Biodiversity Site (LIBS) in the Dún Laoghaire-Rathdown County Council Biodiversity Action Plan 2021-2025. The Biodiversity Action Plan describes Locally Important Biodiversity Sites (LIBSs) as 'areas outside of protected areas, but which form an integral part of the ecological network across a county and are considered important at a local level, and provide a range of ecosystem services to communities. They have no formal designation but are sites worthy of protection and enhancement. These sites also provide additional benefits to and support protected areas'.

10.7.13. Shanganagh Park is an area of open space. The Biodiversity Action Plan 2021-2025 recognises open spaces as areas that are important for biodiversity that contain meadows, hedgerows, native tree planting and wetlands, while fauna, such as badgers, bats, otter, hedgehogs, birds, amongst other species, live or forage in parks and residential green spaces. They provide connectivity and allow species to move and forage throughout the county, forming an important element of the wider ecological network.

10.7.14. Adjacent lands to the southeast are designated a Coastal Wildlife Corridor in the Council's Biodiversity Action Plan and are identified as Glendoo Mountain to Shanganagh corridor. The Biodiversity Action Plan describes how wildlife corridors are vital for the survival of countless species, such as badgers, hedgehogs, bats and birds.

They bridge the gap between habitats, which otherwise would be small and isolated, and join them together. Linking core wildlife habitats helps to restore and preserve biodiversity, allowing movement between important habitats to maintain genetic diversity in wildlife populations. Without this, local extinctions can occur. They provide refuge and foraging areas; they store carbon and regulate water flows and water quality; clean our air; and provide resilience to climate change.

10.7.15. Visibility and Landscape Value:

10.7.16. The site of the proposed development site is bordered by well-established, mature deciduous trees, and the ground level of the site remains relatively flat. There are no designated views or prospects in or near the site, and the site is not located in an area of high landscape or scenic value.

10.7.17. Regarding specific project elements, the proposal incorporates tall structures, including fencing with a maximum height of 9m and ballstop netting installed to the rear of the goals on the GAA pitch, which will be supported by galvanised steel uprights to a height of 13.5m.

10.7.18. The proposed floodlights comprise 9 no. 24.4m high galvanised steel columns. As stated in the Shanganagh Park Masterplan – Phase 1, Part 8 Report, 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. All lighting has been designed to be bat-sensitive. The lights will provide only the amount of light necessary for the task in hand and shield the light given out in order to avoid creating glare or omitting light above the horizontal plane.

Significant additional tree planting (equivalent to 1 Hectare of additional woodland) will take place throughout the site, providing screening and a sense of enclosure for the proposed sports facilities.

In consideration of the above, the proposed development benefits from its location on a relatively flat site, which, coupled with the natural screening provided by the well-established, mature deciduous trees bordering the area, significantly minimises its visual impact. These trees act as a natural barrier, effectively concealing the proposed

development from public view outside of the park and preserving the existing landscape aesthetics. Moreover, the extensive proposed tree planting, equivalent to one hectare of woodland, reinforces this effect. By enhancing the screening around the proposed sports facilities, the afforestation strategy not only complements the existing landscape but also ensures that the development harmonises with its surroundings. Furthermore, the proposed floodlighting has been designed to minimise glare and visual impact in accordance with best practice standards. Therefore, I conclude that the proposal would neither be highly visible to the public nor substantially impact areas of high landscape or scenic value.

10.7.19. Sites of Historical, Cultural or Archaeological Significance:

Protected Structures in the vicinity of the proposed development include the following:

- Shanganagh Castle (RPS No. 1845) located adjacent to the north-western boundary.
- Freestanding monument (RPS No. 2089) located c. 200m to the west of the site.

Recorded Monuments in the vicinity of the site include:

- Shanganagh Castle (Ref. No. 026-120) located adjacent to the north-western boundary. Regional Rating.
- Shanganagh Castle: monument (Ref. No. 60260147) located c. 200m to the west.
- Ringfort (Ref. No. DU026-167) located c. 200m to the southeast.

Given the nature, scale and location of the proposed development in relation to the above Protected Structures and Recorded Monuments, I consider the proposal would not adversely impact any sites of historical, cultural or archaeological significance.

10.7.20. Population Density and Sensitive Land Uses:

The site is located in an urban parkland. The northern boundary borders with St. Anne's Park housing estate to the north and Castle Farm housing estate to the northwest. Shanganagh Cemetery is located to the south of the site. Given the nature, scale and location of the proposed development, I do not consider the population of the surrounding area or any sensitive land uses such as hospitals, schools, places of worship, or community facilities would be adversely affected by the proposed development.

10.7.21. Important Resources:

10.7.22. In the Arboricultural Assessment of the site's trees, it is outlined that the proposed development requires the removal of specific vegetation, including 16 individually tagged trees and five trees from Tree Group No. 1. Additionally, it involves clearing 764m² of tree belts/wooded areas and c. 30m x 16m of hedging. The tree vegetation for removal falls into the following category grades:

- Category 'A' consists of approximately 64m² of a linear tree belt (Tree Belt No.1). Trees in this category are of high quality and value with a minimum life expectancy of 40 years.
- Category 'B' includes 5 no. trees plus 5 no. trees from a tree group, 700m² of tree belts, and a section of hedging measuring around 30m x 16m. Trees in this category are of moderate quality/value with a minimum life expectancy of 20 years.
- Category 'C' encompasses 13 no. trees, which are considered trees of low quality/value with a minimum life expectancy of 10 years.

10.7.23. The removal of tree vegetation is distributed across the site, with detailed locations provided in the Tree Protection Plan. In the broader context of the park's tree cover, the loss of tree cover due to the proposed development will have a minimal impact on the overall treescape of the area.

10.7.24. To offset the loss of the aforementioned tree and hedge vegetation, extensive tree planting is planned throughout the site. The majority of the proposed planting will consist of native species, complemented by some suitable non-native species. The new planting will primarily involve whips and standards, with the inclusion of some semi-mature trees to have an immediate impact on the site. This approach aims to sequester carbon, enhance air quality, and promote biodiversity. The area designated for new tree planting is estimated to be equivalent to 1 Hectare of additional woodland. The proposed tree planting will harmoniously complement the development and its integration into the surrounding area.

10.7.25. There are no watercourses or drainage ditches within the site boundary. A seasonal pond is located on land to the south of the site. Given that the site will remain greenfield, it is expected that there will be no significant alteration to the recharge pattern to the underlying soils or aquifer, which could impact any groundwater pathway to the pond.

10.7.26. In conclusion, considering the nature, scale, and design of the proposed development, it is my view that the proposed development will not adversely impact valuable natural resources, including groundwater, surface waters, forestry, agriculture, fisheries, tourism assets, or minerals within or around the location.

10.7.27. Environmental Challenges / Geological and Hydrological Risks:

10.7.28. There are no areas within or around the site that are already subject to pollution or environmental damage. The site is not susceptible to subsidence, landslides, erosion, or flooding.

10.8. Types and characteristics of potential impacts

10.8.1. Schedule 7 of the Planning and Development Regulations 2001 (as amended) requires the identification of likely significant effects of a proposed development on the environment in relation to the criteria mentioned earlier (addressed above). This is with regard to the project's impact on the factors detailed in paragraph (b)(i)(I) to (V) of the definition of 'environmental impact assessment report' in Section 171A of the Planning and Development Act 2000 (as amended). The identification takes into account the following factors:

- (a) The magnitude and spatial extent of the impact, such as the geographical area and size of the population potentially affected,
- (b) The nature of the impact,
- (c) The transboundary nature of the impact,
- (d) The intensity and complexity of the impact,
- (e) The likelihood of the impact occurring,
- (f) The expected onset, duration, frequency, and reversibility of the impact,
- (g) The cumulative effects of the impact in relation to other existing developments and/or those that have received consent for the purposes of Section 172(1A)(b) of the Act or any development consent as per the Environmental Impact Assessment Directive by or under any other enactment, and
- (h) The feasibility of effectively reducing the impact.

10.8.2. Referring to the guidance presented in 'OPR Practice Note PN02 - Environmental Impact Assessment Screening' (2021), the potential impacts of the proposed development are assessed under the headings below. Where applicable, the magnitude and spatial extent, nature, intensity and complexity, likelihood and duration, frequency, and reversibility of the impacts are discussed. Proposed measures to mitigate or prevent significant effects are also outlined, concluding with a determination regarding the potential for significant environmental effects.

10.8.3. Risks to Population and Human Health:

10.8.4. During the construction phase, there may be temporary nuisances for park users in the form of noise and dust. However, these nuisances are not expected to reach levels or significance that would necessitate a sub-threshold EIAR. Noise and dust pollution will be effectively managed through standard mitigation measures commonly applied in construction projects, as outlined in the Ecological Impact Assessment (EclA). The construction impacts would be temporary and managed effectively in accordance with the construction and operational site management and monitoring measures, as detailed in the EclA.

10.8.5. The proposed floodlights for the pitches have the potential to affect areas beyond the site boundaries. Nevertheless, the design of these floodlights prioritises minimal light pollution on neighbouring lands. Operational hours for the floodlights are limited to 07:00 - 22:00 on weekdays and 09:00 - 20:00 on weekends, with significant seasonal restrictions in place to reduce impacts on local bat populations. As stated in the EclA, floodlighting will cease operation in April from 8pm, May from 9pm, August from 9pm, and September from 8pm, in order to protect bat foraging activity. The lighting design adheres to the guidelines established by the Chartered Institute of Building Services Engineers Lighting Guide 4: Sports Lighting (CIBSE LG4) and the Institute of Lighting Professionals (ILP), Guidance Note for the Reduction of Obtrusive Light GN01:2021, along with Guidance Note for Bats and Artificial Lighting in the UK GN08:2018. It is my view that the proposed floodlighting would not significantly impact the local population and human health.

10.8.6. The proposed development offers a positive impact in terms of human health by significantly enhancing outdoor recreational opportunities. The addition, enhancement and amalgamation of sports facilities, including a grass GAA pitch, baseball and cricket

pitch, and a sprint track, would encourage physical activity among the local population, thereby promoting better cardiovascular health, mental well-being, and overall quality of life. Moreover, the upgrade of entrances, pathways, and lighting would increase accessibility and safety, making it more inviting for people of all ages to engage in outdoor activities, thereby fostering community health and social interaction.

10.8.7. Table 4.1 of the Traffic and Parking Assessment Report outlines a ranking of potential risks to human health and safety arising from the proposed development's traffic and parking implications. These risks encompass difficulties with access and parking on Quinn's Road and adjacent housing estates, potential congestion from increased vehicle trips that might lead to driver frustration or accidents, heightened conflicts between vehicles and an increasing number of pedestrians and cyclists, potential disruptions from drivers dropping off park users on the Dublin Road and local streets, possible congestion and unsafe manoeuvres from coaches carrying away teams, and parking challenges during cemetery burials that might coincide with match events.

10.8.8. Proposed countermeasures designed to mitigate or remove traffic management risks include:

- **Coordinated Communication:** Establishing and maintaining formal lines of communication among the Park Operator, Cemetery Operator, and Park Run Organizers, focusing on coordinating events to minimize overlaps and limit stress on Quinn's Road and adjacent housing estates' access and parking.
- **Travel Plan for Shanganagh Park:** Developing a clear and actionable travel plan that communicates the availability of non-car travel modes and approved parking protocols. This plan could be hosted on the DLRCC website and easily shared with local clubs, individual park visitors, and visiting teams.
- **Parking Management Strategy:** Creating a strategy for local housing estate streets, with an emphasis on the prohibition of parking during sports events and club activities. The strategy could also outline parking controls and their effective policing.
- **Event Timing:** Rescheduling sports events to avoid clashing with peak commuter hours, reducing potential congestion and associated risks.

- Optimised Parking Spaces: Ensuring the efficient utilisation of the 70 additional parking spaces at Shanganagh Castle, given their strategic location near new sports facilities.
- Pedestrian and Cyclist Safety Initiatives: Implementing measures like the "Home Zone" status for significant housing estate streets, which could lower speed limits. Additionally, considering traffic calming measures and dedicated cycling facilities, especially for Quinn's Road, can safeguard the increasing numbers of walkers and cyclists.
- Formal Drop-off Zones: Designating and promoting specific drop-off areas for park users and coaches, ensuring they are positioned away from problematic zones such as Quinn's Road and local housing estates. This can aid in reducing congestion and improving safety.

10.8.9. In consideration of the proposed countermeasures, their coverage of all potential traffic and parking risks, and the commitment to proactive communication and management strategies, it is my view that the proposed development poses no significant risk to human safety and safety regarding traffic and parking. The preventive approach, encompassing both short-term and long-term solutions, combined with the integration of feedback mechanisms and continuous evaluation, ensures that any emerging challenges can be quickly identified and addressed. Therefore, based on the extensive measures outlined in the Traffic and Parking Assessment Report, I conclude that the proposed development will prioritise and safeguard road users and pedestrian safety.

10.8.10. Risks to Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive:

10.8.11. As stated in the Council's EIA Screening Report, the proposed development has the potential to cause effects on the following;

- soprano pipistrelle bats, which roost nearby and feed in the Eastern section of Shanganagh Park;
- smooth newts, which use a seasonal pond at the south-eastern section of the site where it is proposed to develop the combined cricket and baseball pitch;

- pygmy shrew and bird nesting habitat in the vicinity of the proposed ramp to the railway crossing (refer to NPWS Part VIII submission of 01.02.2002). These ecological sensitivities are addressed in the EclA report submitted and under the headings below accordingly.

These impacts are addressed below accordingly.

10.8.11.1. **Potential Impact on Bats**

10.8.12. As outlined in the Ecological Impact Assessment (EclA) report, potential impacts of the proposed development on bats may include habitat removal for roosting and foraging, as well as effects related to lighting. The residual effects are classified as minor adverse or not significant in the short term, transitioning to a low beneficial positive impact in the long term.

10.8.13. The EclA report indicates that bat surveys, including emergent and detector methods, were conducted on August 25, 2021, September 16, 2021, and September 14, 2022. These surveys assessed the site's bat activity. As detailed in Appendix I of the EclA report, the detector surveys followed best practice guidelines and covered the entire site multiple times during active bat seasons. Bat detector surveys were performed using an Echo Meter Touch 2 Pro detector, and bats were identified through their ultrasonic calls, behaviour, and flight patterns.

10.8.14. The EclA report confirms that there are no buildings or trees on or near the site that possess bat roosting potential. It notes that the majority of trees on the site are young, early-stage, or semi-mature, lacking features like cracks or hollows that could serve as bat roosts. Nonetheless, the EclA documents bat foraging and transiting activity, particularly along the perimeter pathways. According to the 2021 surveys, high levels of foraging activity were recorded, involving 3no. Soprano Pipistrelle, 1 no. Common Pipistrelle, and 1 no. Leisler's bat. During the 2022 survey, similar activity was observed, particularly along the northern and western/southwestern treelines. A Soprano Pipistrelle bat roost was identified in St. Anne's Park Court, which the EclA confirms will not be impacted by the proposed development.

10.8.15. The EclA acknowledges that construction lighting could impact bat foraging activity. However, mitigation measures, including specific lighting designs and landscaping, have been incorporated to minimise these effects. In the long term, the

EclA projects that the introduction of additional woodland and scattered trees will create new foraging corridors for bats and nesting resources for birds. Strict lighting requirements are proposed during the active bat season, as specified in Appendix I of the EclA report. The floodlighting will be operational, when required, potentially from 7am until 10pm, seven 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 8 pm in September, in order to further protect bat foraging activity. This, in effect, reduces the potential lighting times i.e. cease lighting before 10 pm for only 4 months of the year and no lighting will be used in June or July. These requirements aim to further protect bat foraging activity by restricting lighting operations.

10.8.16. The EclA mandates ecological supervision during the landscaping phase and adherence to the proposed lighting strategy to develop bat foraging corridors effectively. Several mitigation measures have been designed into the project, such as pre-construction inspections to assess any presence of bats in the area, sensitive lighting strategies to avoid direct illumination of hedgerows and tree lines, and the appointment of a project ecologist with at least ten years of experience to oversee and approve on-site works. A post-construction light spill and bat foraging assessment will also be conducted to ensure compliance with lighting and bat foraging requirements. A monitoring report confirming these findings will be submitted to the National Parks and Wildlife Service (NPWS). Details will be submitted to the Council's Biodiversity Officer, and remedial actions, if required, will be implemented to the satisfaction of the bat specialist. Furthermore, the bat specialist will provide a letter to the Dún Laoghaire–Rathdown (DLR) Biodiversity Officer, confirming the satisfactory installation of lighting in accordance with its design. Should any remedial actions be necessary, they will be carried out to the satisfaction of the bat specialist.

10.8.17. The Appropriate Assessment Screening Report states that the proposed 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. All lighting has been designed to be bat sensitive. The report states that

the lights will provide only the amount of light necessary for the task in hand and shield the light given out in order to avoid creating glare or omitting light above the horizontal plane.

10.8.18. The AA Screening report states that floodlighting will be operational from 07:00 until 22:00, Monday to Friday and 09:00-20:00 Saturday and Sunday. However, given the fact that the pitches are grass, it is unlikely that floodlights will be used for more than 12 hours per week on average. In addition, significant seasonal restrictions will be deployed, as outlined above to minimise any impacts on bats, including no floodlighting allowed in April, May, August and September. A lighting design and report is included in Appendix 8 to the main Part 8 report.

10.8.19. The National Parks and Wildlife Service (NPWS) was consulted regarding species and sites of conservation interest. NPWS assessed the project's design and commended the efforts to minimise light pollution and limit impacts on bats, particularly given the proximity of a significant Soprano Pipistrelle bat roost in St. Anne's Park residential estate.

10.8.20. Having reviewed the documentation and drawings on file and proposed mitigation strategies, it is my view that significant adverse effects on bat populations are unlikely to arise as a result of the proposed development. Several key factors underpin this conclusion. The EclA and the Arboricultural Assessment both confirm that there are no existing roosting habitats on-site or in close proximity to the proposed development. Therefore, the removal of such habitats is not a concern. The lighting design for the project is tailored to minimise the impact on bat foraging activities. Strict operational guidelines will be put in place to ensure lighting does not interfere with bats, particularly during their active season. Appropriately designed mitigation strategies, including controlled lighting and ecological supervision during landscaping, are set to be implemented. These measures aim not only to minimise negative impacts but also to create an environment more conducive to bat foraging over the long term. While the site is used for bat foraging, it does not appear to be a critical foraging habitat that cannot be replicated or replaced. Furthermore, the proposed landscaping is designed to enhance bat foraging opportunities. The positive feedback and absence of concerns from the NPWS regarding bat populations indicate that the proposed development is unlikely to have a significant detrimental effect on bats. The proposed development aims to include the addition of woodland and scattered trees, thereby

likely improving the foraging corridors and nesting resources for bats in the long term. A project ecologist with a minimum of 10 years of experience will oversee the mitigation measures, ensuring their proper implementation and further minimising potential risks. Monitoring plans, including post-construction light spill and bat foraging assessments, will offer opportunities for ongoing adjustment and refinement of implemented measures. I conclude, therefore, that the proposed development is unlikely to result in significant negative effects on the bat population in the area.

10.8.20.1. **Potential Impact on Amphibians**

10.8.21. As detailed in the Council's Environmental Impact Assessment (EIA) Screening report, the proposed combined cricket and baseball pitch development at the southeastern part of the site has the potential to impact smooth newts, which inhabit a seasonal pond in that area.

10.8.22. The Ecological Impact Assessment (EclA) report confirms that neither common frogs (*Rana temporaria*) nor newts (*Triturus vulgaris*) were observed during site assessments. Additionally, the report notes that no watercourses or drainage ditches are in close proximity to the proposed work area. Despite this, the EclA acknowledges the presence of a seasonal pond located southeast of the site and outside the project boundary, recognising its potential significance for amphibians. Appendix II of the EclA contains a hydrogeological assessment, which found very low groundwater infiltration rates in the surrounding clays. Historical mapping reveals a spring-fed drainage ditch to the west of the park, which may supply water to the seasonal pond during winter. Moreover, the National Biodiversity Data Centre has recorded frogs within a 2km grid, and the NPWS noted the presence of common frogs near the pond in February 2020. While newts have been found in Shanganagh Park, their presence near the proposed development remains uncertain. Given the confirmed presence of both newts and frogs in the park and the potential risks associated with construction activities such as disturbance, dust, and surface water pollution, mitigation measures specific to amphibians are deemed necessary in the EclA.

10.8.23. According to the EclA, a series of mitigation measures will be implemented to safeguard the seasonal pond southeast of the site. These measures, listed in Table 9 of the EclA, aim to prevent habitat degradation, dust deposition, pollution, and silt ingress due to site runoff. A qualified project ecologist will oversee the project, which

will be staged to minimise environmental risks. Protocols for fuel and chemical containment will be enforced, including maintaining clean fuel bunds and immediate spill clean-up to avoid groundwater contamination. Adequate filtration systems will be in place to ensure that water discharged from the site will not contain pollutants. All personnel will undergo environmental training with a focus on pollution prevention and surface water management. Specific operational guidelines will be in place to control dust emissions, including covering trucks, setting speed limits, and conducting regular site inspections. The project will also take measures to minimise exposure to sensitive ecological receptors, which may include enclosing certain construction activities to limit dust production. Earthworks will be swiftly re-vegetated or otherwise treated to suppress dust. Best practices in the storage and use of materials and equipment will be followed to mitigate environmental risks. This comprehensive approach is designed to be continually updated through daily briefings and routine inspections.

10.8.24. The EclA outlines specific mitigation measures to protect amphibians, including a pre-construction inspection of the adjacent pond and drainage ditches. Particular focus will be placed on protecting the seasonal pond from silt and runoff. Should amphibians be discovered, consultations will be held with the NPWS to implement additional mitigation measures, pending approval from both the NPWS and the Council's Biodiversity Officer. To further safeguard amphibians, newt and frog fencing will be installed by a qualified contractor under the guidance of an experienced ecologist before construction commences. Ongoing on-site inspections will be carried out by a project ecologist, who will be appointed at least one month prior to the start of construction activities to ensure the effectiveness of these measures.

10.8.25. In consideration of the documentation on file, as well as the proposed mitigation measures, it is my view that the likelihood of significant negative effects on amphibians due to the proposed development is low. Neither common frogs nor newts were observed in the immediate area of the proposed works during site assessments. Additionally, the seasonal pond, a key habitat for amphibians, is located outside the boundaries of the site of the proposed development. A range of targeted mitigation measures designed specifically to protect amphibians and their habitats will be implemented. These include pre-construction inspections, the installation of newt and frog fencing, and specialised training for all site personnel on environmental best practices. The project will be overseen by an experienced project ecologist who will

conduct regular site inspections to ensure that the mitigation measures are effectively implemented. This allows for real-time monitoring and immediate action, further minimising any potential impact. Should amphibians be found during the pre-construction inspection or at any other time, an adaptive management approach will be taken. Consultations will be initiated with NPWS and the Council's Biodiversity Officer to adjust mitigation measures as needed. The EclA proposes a robust, multi-faceted approach to environmental monitoring, including groundwater tests, dust control measures, and regular inspections, thereby addressing not just immediate but also long-term concerns. A complaints log will be maintained and made available to local authorities, ensuring transparency and accountability, which are crucial in effective environmental management. On this basis, I conclude that the proposed development is unlikely to result in significant negative effects on the amphibian population in the area.

10.8.25.1. **Potential Impact on Bird Populations**

10.8.26. The Council's Environmental Impact Assessment (EIA) Screening Report indicates that the proposed development could potentially affect bird nesting habitats near the proposed ramp leading to the railway crossing, as referenced in the NPWS Part VIII submission dated February 1, 2002. The identified impacts include the loss of nesting and foraging habitats, as well as potential disturbance or destruction of nests.

10.8.27. According to the EclA, breeding birds were observed on-site during field assessments. A comprehensive Wintering Bird Survey was conducted on multiple dates between October 2021 and March 2022. The EclA points out that the number of surveys conducted (12 in total) exceeds best practice guidelines.

10.8.28. The EclA details that 37 bird species were observed in Shanganagh Park during the 12 winter bird surveys, a species diversity typical for suburban Dublin parklands. Red-listed species of conservation concern, such as the Redwing, were recorded, as well as noteworthy species like the Great Spotted Woodpecker. Additionally, three gull species—Black-headed, Herring, and Lesser Black-backed Gull—listed under the amber wintering species category were also observed.

10.8.29. The wintering bird survey revealed that Black-headed Gulls predominantly used the playing fields for foraging, especially those near Bray Road. Other foraging species

primarily included Corvids like Rooks, Jackdaws, and smaller numbers of Hooded Crows and Magpies. The species diversity was consistent with expectations for suburban Dublin, featuring a variety of passerines in the woodland patches surrounding the park.

10.8.30. The EclA concludes that the site is not a significant ex-situ foraging or roosting site for any species of special interest from nearby Special Protection Areas (SPAs). High levels of recreational human activity, including non-compliance with dog-leash policies, already contribute to disturbances to wintering birds. Post-development, some displacement of wintering birds could occur during high-intensity use of the amenity areas.

10.8.31. The EclA suggests that several species of tree or ground-nesting birds could be affected by site clearance activities. These birds would be displaced from areas where woodland is to be removed. However, the high levels of pedestrian and canine activity make ground-nesting unlikely. The loss of trees and grasslands would impact the foraging areas for breeding birds, necessitating mitigation measures, such as pre-construction assessments. Long-term biodiversity value for breeding birds is expected to improve as the site matures.

10.8.32. The National Parks and Wildlife Service (NPWS) was consulted and recommended avoiding the construction of a new access ramp to the footbridge, which leads east across the railway from the area of the proposed development through an area of high biodiversity value, suggesting modifications to existing structures instead. The EclA states that the design of the access ramp was modified to incorporate the comments from the NPWS.

10.8.33. Standard construction and operational controls will be implemented to minimise potential adverse effects on the local ecology. Specific measures for bird protection include a pre-construction assessment by an ecologist focusing on ground-breeding and tree-nesting birds. The landscape strategy has been prepared to provide significant nesting and foraging resources for both birds and insects, with ongoing assessment and additional consultation with the Council's Biodiversity Officer.

10.8.34. Having reviewed the documentation and data on file, I conclude that significant adverse effects on bird populations are unlikely to arise from the proposed development. The number of surveys and assessments conducted exceeds best

practice guidelines, ensuring that the data collected is both robust and reliable. Further to consultation with the NPWS, modifications have been made to the proposed access ramp to address concerns raised. As detailed in Section 6.1.1 above the Department of Housing, Local Government and Heritage – Development Applications Unit welcomes the alteration of the access ramp's orientation, eliminating the need to clear part of the scrub along the DART line. The reorientation of the proposed ramp should allow for regeneration and future nesting use by scrub-associated bird species like whitethroat and reed bunting. Planned mitigation measures include pre-construction assessments specifically designed to identify and protect nesting and foraging areas for birds. This proactive approach indicates a commitment to minimising ecological impact. The existing high levels of human and canine activity in the area have already set a precedent for wildlife disturbances. Birds currently inhabiting or frequenting the site have adapted to similar disturbances, suggesting that additional activities from the proposed development are unlikely to significantly alter their behaviour or well-being. The EclA anticipates that long-term improvements in biodiversity are likely as the site matures post-development, particularly due to strategic landscaping designed to enhance nesting and foraging resources for birds. The site is not identified as a significant ex-situ foraging or roosting area for species from nearby SPAs. Furthermore, species of special concern have not been observed in significant numbers during the extensive surveys. Continuous assessment and consultation with the Council's Biodiversity Officer will enable adaptive management of the site, allowing for adjustments to ensure that any unforeseen impacts are promptly addressed. On this basis, I conclude that it is unlikely that the proposed development will result in significant adverse effects on local bird populations.

10.8.34.1. ***Potential Impact on Mammals***

10.8.35. The Ecological Impact Assessment (EclA) indicates that no protected terrestrial mammals were observed on-site during assessments conducted on December 5, 2021, and April 25, 2022. Although no signs of mammals of conservation value were noted during these visits, Hedgehogs (*Erinaceus europaeus*) have been previously recorded within 2 km of the site, specifically on the site in 2021, according to records from the National Biodiversity Data Centre (NBDC). Additionally, no Hedgehogs or Eurasian Pygmy Shrews (*Sorex minutus*) were observed during the site visits.

However, given the mixed broadleaf habitat and a recorded sighting in 2021 by the NBDC, the EclA states that it is plausible that Hedgehogs may be present. Similarly, Eurasian Pygmy Shrews may inhabit the site, as they have been observed to the north of it. While no evidence of Badger activity was found, two Fox burrows were identified, and the presence of Foxes was confirmed through the use of trail cameras.

10.8.36. The EclA report anticipates that the site's value for mammal habitat will improve in the long term, especially within woodland areas. While site lighting may potentially deter nocturnal species, a stringent lighting regime is proposed to mitigate this. The EclA stipulates that a post-construction lighting inspection is necessary to ensure that the lighting is installed as designed, minimising light spill into woodland areas.

10.8.37. Specific mitigation measures for mammals include pre-construction inspections, which will be conducted prior to any site work. Additionally, on-site inspections will be carried out by a project ecologist who will be appointed at least one month before the commencement of any construction activities. Should any resting or breeding sites of mammals of conservation importance be discovered, the National Parks and Wildlife Service (NPWS) will be immediately contacted. Appropriate mitigation measures will then be implemented to the satisfaction of the NPWS.

10.8.38. Having reviewed the documentation on file, I consider it unlikely that the proposed development will result in significant adverse impacts on the mammal populations in the vicinity. The EclA conducted a detailed mammal assessment on two different occasions in line with best practice guidelines. These assessments did not identify any protected terrestrial mammals on the site nor signs of mammals of conservation value. The mammals that have been noted or are suspected to be on-site, such as hedgehogs and Eurasian Pygmy Shrews, are generally adaptable species and not restricted to specialised habitats. The EclA outlines strong mitigation measures, such as pre-construction and post-construction inspections for mammals and consultation with the NPWS if any mammals of conservation importance are found. These plans would be carried out by a qualified project ecologist, appointed at least a month prior to the commencement of any works. The value of the site for mammals would improve in the long term, especially within woodland areas. This is due in part to proposed biodiversity enhancements that include significant nesting and foraging resources for mammals. A strict lighting regime will be enforced to limit light pollution, which would otherwise deter nocturnal species. Post-construction

inspections will confirm that lighting installations adhere to these guidelines. The site is already subject to recreational use, including walking and dog-walking, which suggests that mammals in the area have adapted to a certain degree of human disturbance. The commitment to ongoing ecological monitoring allows for timely identification of and adaptation to any unexpected negative impacts, further minimising risk to mammal populations. The design of the proposed development has been modified in consultation with the NPWS to ensure the least amount of ecological disruption. On this basis, I conclude that the proposed development poses a low risk of significant negative impact on mammal populations in the area.

10.8.38.1. **Potential Impact on Trees**

10.8.39. The Ecological Impact Assessment (EclA) suggests that the proposed development will result in the loss or damage of on-site trees. To comprehensively evaluate this impact, the Arboricultural Assessment examines several key aspects:

- The current condition of tree vegetation within and adjoining the development site.
- The implications of the proposed development layout on existing tree vegetation, including identification of trees for removal and retention.
- The positioning of tree protection fencing and other tree protection measures which are to be installed prior to construction and maintained until construction is complete.

10.8.40. The Arboricultural Assessment specifies that the proposed development necessitates the removal of 16 individually tagged trees, five trees from one tree group, 764 sq.m. of tree belts/wooded areas, and c. 30m x 16m length of hedging. The trees identified for removal fall into the following categories:

- Category 'A': Approx. 64sq.m. of a linear tree belt.
- Category 'B': 5 individual trees plus 5 trees from a tree group, 700 sq.m. of tree belt no. 3, and a 30m x 16m section of hedging.
- Category 'C': 11 individual trees.

10.8.41. The Arboricultural Assessment describes how great care has been taken in the design layout to retain as much perimeter tree vegetation as possible. This aims to provide ongoing screening from adjacent residential areas and the remaining park,

and to preserve a sense of enclosure. In the broader context, the loss of tree vegetation has minimal impact on the overall landscape. This impact will be further mitigated by new plantings of trees, shrubs, and hedging as part of the completed development's landscaping. As this new vegetation matures, it will contribute to long-term, sustainable tree cover and continually offset the initial ecological impact. For detailed plans, refer to the landscape architects' drawings and schedules.

10.8.42. Proposed mitigation measures to minimise impact on retained trees include (inter alia):

- Erecting protective fencing around root zones at the commencement of work.
- Installing ground protection where fencing is impractical.
- Ongoing site monitoring by the project Arboriculturist.
- Using tree-friendly construction techniques and products.
- Pre-planning all construction activities to avoid damaging the tree protection zones.

10.8.43. Utilities will be routed outside the root protection zones of retained trees, and any cabling within root zones will be installed in protective ducting. Boundary treatments within root zones will require manual digging and will adhere to protective guidelines specified in Section 6.2.3 of BS 5837 2012. Special considerations will be given to machinery and materials that could damage or contaminate retained trees. The Arboricultural Assessment provides further details on pre-construction, construction, and post-construction works, covering issues including tree removal, excavations, ground protection, and more.

10.8.44. The EclA outlines that the proposed planting regime will include Fossitt (2000) habitat-scattered trees and parkland. This strategy aims to foster grassland habitat and offset tree loss. Prior to site clearance, an arborist will inspect and mark trees for removal and areas for tree protection.

10.8.45. Having reviewed the Arboricultural and Ecological Impact Assessments, it is my view that the proposed development will not result in significant adverse effects on the local tree population or the broader treescape. The design of the proposed development seeks to retain a maximum number of trees, particularly those around the perimeter. This not only preserves the existing visual character of the area but also mitigates the environmental impact. The trees designated for removal are carefully

categorised, and the proposed development aims to minimise the removal of high-value trees, as defined by Categories 'A' and 'B'. Additionally, the total land area and number of trees affected are relatively minimal in the context of the overall site and the surrounding region. Proposed mitigation strategies, including new plantings of trees, shrubs, and hedging, would offset any loss of existing tree vegetation. As this new flora matures, it will contribute to a sustainable, long-term green canopy that continually compensates for the initial loss. The project employs a series of protection mechanisms for the trees that will be retained, including protective fencing, ground protection installations, and consistent monitoring by an Arboriculturist. These measures conform to the guidelines set out in British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012), reducing the risk of inadvertent damage during construction. Special care will be taken to route utilities and establish boundaries in a manner that avoids root protection zones of the trees to be retained. This ensures that the remaining tree vegetation is undisturbed during and after the construction process. On this basis, I conclude that the proposed development is unlikely to have a significant negative impact on the trees within and around the project area.

10.8.45.1. **Potential Impact on Grassland**

10.8.46. The Ecological Impact Assessment (EclA) indicates that the proposed development would result in an increase in meadow grassland. According to the EclA, the existing grasslands comprise 3.74 hectares of amenity grassland and 2.32 hectares of species-poor Dry meadows and grassy verges. The proposed development is projected to increase the latter by 0.55 hectares, bringing the total to 2.87 hectares.

10.8.47. The EclA specifies that amenity grassland covers approximately half of the proposed site, totalling 3.74 hectares. This type of grassland is well-maintained, albeit with low biodiversity. Species found within the amenity grassland include creeping buttercup (*Ranunculus repens*), dandelion (*Taraxacum* spp.), docks (*Rumex* spp.), daisy (*Bellis perennis*), clover (*Trifolium repens*), plantains (*Plantago* spp.), thistles (*Cirsium vulgare*), and nettle (*Urtica dioica*). Notably, no flora or fauna of conservation importance were identified in these areas.

- 10.8.48. Two distinct areas totalling 2.62 hectares are designated as Dry meadows and grassy verges. These areas are managed under a long-grass policy to promote local biodiversity. The species found in these areas are more diverse than those in amenity grasslands and include white clover (*Trifolium repens*), red clover (*Trifolium pratense*), daisy (*Bellis perennis*), and several other species. However, no flora or fauna of conservation importance were found here either.
- 10.8.49. According to the Irish Semi-natural Grasslands Survey (BEC, 2010), the grasslands in Shanganagh are classified as '5a. *Lolium perenne* – *Trifolium repens* vegetation type'. This category generally includes species-poor, semi-improved swards on well-drained mineral soils and gleys, primarily dominated by *Lolium perenne* and *Trifolium repens*.
- 10.8.50. The EclA states that no rare or protected habitats were observed on site, which includes both Amenity grasslands and Dry meadows and grassy verges. While the former is characterized by low biodiversity, the latter is considered to have greater local biodiversity importance.
- 10.8.51. The EclA incorporates comments from the NPWS regarding the proposed new access ramp to the footbridge leading east across the railway. NPWS recommends omitting the proposed new ramp and adventure playground due to the high biodiversity value of the nearby triangular area. Consequently, the EclA states that the design of the proposed access ramp was revised to align with NPWS recommendations. As detailed in Section 6.1.1 above, the Department of Housing, Local Government and Heritage – Development Applications Unit welcomes the alteration of the access ramp's orientation, eliminating the need to clear part of the scrub along the DART line. The reorientation of the proposed ramp should allow for regeneration and future nesting use by scrub-associated bird species like whitethroat and reed bunting. The modified design improves accessibility and includes features including tactile paving and handrails in accordance with Part M guidelines.
- 10.8.52. The Appropriate Assessment Screening Report states that non-sports-related areas will be managed as meadows, providing a buffer to woodland and hedgerows and enhancing biodiversity. The size of the existing meadow is estimated at 2.32 hectares, with the proposed meadow anticipated to cover 2.87 hectares. Earth

mounding will be provided to the south and east of the proposed pitch for viewing. These earth mounds will be planted with trees and likely managed as meadow.

10.8.53. The EclA acknowledges that some loss of grassland habitats will occur during the construction phase. However, the development will ultimately result in a net increase of 0.55 hectares in dry meadows and grassy verges. The report concludes that no mitigation measures are required for these changes.

10.8.54. Having reviewed the documentation on file, I conclude that the proposed development is unlikely to have significant adverse effects on the grasslands within the project site. The proposed development will result in a net increase of 0.55 hectares in meadow grasslands, expanding from 2.32 hectares to an estimated 2.87 hectares. This expansion would promote local biodiversity in the area. Neither the amenity grasslands nor the dry meadows and grassy verges harbour flora or fauna of conservation importance. The proposed development has been modified further to consultation with the NPWS to protect areas of higher biodiversity near the railway footbridge. Non-sports-related areas are planned to be managed as meadows, serving as buffers to woodland and hedgerows, thereby contributing to the overall enhancement of biodiversity in the area. The proposed development takes into consideration not only the construction phase but also the longer-term management of the area. This ensures that the initial loss of grasslands during construction is more than offset by subsequent restoration and growth. The characteristics of the grasslands, as outlined in the Irish Semi-natural Grasslands Survey, suggest that they are semi-improved and species-poor, implying that the proposed changes are unlikely to disrupt any ecologically sensitive grasslands. On this basis, I conclude that it is highly unlikely that the proposed development will have a significant adverse impact on the existing grasslands.

10.8.55. **Potential for Cumulative Effects with other existing and/or approved projects:**

10.8.56. The site of the proposed development is located in the middle of Shanganagh Park in an area that is currently used for baseball, cricket and recreational use. Areas not used for baseball and cricket are managed as meadows (c. 2.5 hectares) and maintained amenity grass with pedestrian footpaths around the perimeter of the site connecting with adjacent parkland, St. Annes Park and Castlefarm residential estates

to the north and over the Dart rail line which borders to the eastern boundary of the site. Shanganagh cemetery is located to the south of the site, and Shanganagh Castle and Shanganagh allotments are located on adjacent lands to the west of the site. The site, as outlined in red on the site location plan, is stated as c. 8.7 Hectares.

10.8.57. The site is zoned 'Objective F', which seeks 'to preserve and provide for open space with ancillary active recreational amenities'. 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.

10.8.58. Development permitted on the site and surrounding area is detailed in Section 7.0 above. In summary, the subject site at Shanganagh Park, under P.A. Ref. PC/PKS/03/21 and ABP Ref. JD06D.312429-22 received a determination from An Bord Pleanála on 11/04/2022 that an Environmental Impact Assessment Report would not be required, as it was concluded that the project comprising recreational and infrastructure upgrades would not likely have significant environmental effects and accordingly, the preparation and submission of an Environmental Impact Assessment Report is not required. To the west of this site, under ABP Ref: 306583-20, permission was granted for a residential development of 597 no. residential units (houses and apartments) along with ancillary commercial uses (retail unit, café and crèche). To the southwest, under ABP Ref: 305844-19, permission was granted for an SHD residential development comprising 685 no. units and a creche. To the south-west of the site, permission was granted under ABP Ref. 305844-19 for an SHD residential development comprising 685 units (apartments and houses) and a creche. Further to the southwest of the site, permission was granted under P.A. Ref. D17A/0065 and ABP Ref. PL06D.249048 for a specialised 56-bed hospital. To the southeast of the site, under P.A. Ref. D20A/0744 permission was granted for a new DART/Railway Station at Woodbrook. These approved projects cumulatively contribute to the region's residential, recreational, commercial, public transport and healthcare landscape, each having undergone appropriate environmental evaluations. Considering the nature of the proposed development, which comprises low-impact sports and recreational facilities and minor infrastructural improvements across c. 8.7 hectares, it is my view that the proposed development would not generate significant cumulative environmental impacts. The project's emphasis on non-intrusive elements, including

grass pitches, workout zones, and minimal structural interventions, substantially mitigates the potential for cumulative effects. Therefore, any impacts that might arise from the simultaneous execution of this proposal with nearby developments are expected to be both temporally limited and spatially confined within the park, rendering the likelihood of consequential, cumulative effects low.

10.8.59. The proposed development comprises phase 1 of the development of the Shanganagh Park Masterplan. I have considered the issues raised by the referrers in the submissions made regarding the scale and extent of the proposed development and in relation to subsequent phases of the Shanganagh Park Masterplan and the overall size of Shanganagh Park itself, as detailed in Section 4.0 above. Regarding the treatment of Masterplans in EIA screening, the 'OPR Practice Note PN02 - Environmental Impact Assessment Screening' (2021) provides specific advice in this regard, stating that *“where the project is part of an overarching masterplan and is ‘sub-threshold’ for the purposes of EIA, it should primarily be considered in its own right. If the masterplan has been prepared by the applicant, the EIA Directive only requires that the existing and approved projects be taken into account in the consideration of cumulative effects, however, it may be good practice to consider subsequent phases in so far as this information is available and relevant. In addition to the above, if the masterplan has been prepared by the planning authority, then it will have been screened for SEA and the outcome, where relevant, should be taken into account when having regard to the results of other relevant EU assessments as part of the screening determination”*.

10.8.60. In consideration of the above, it is my view that the proposed development, which comprises phase 1 of the development of the Shanganagh Park Masterplan, should be considered in its own right. Any subsequent phases of the Shanganagh Park Masterplan will be subject to screening for Environmental Impact Assessment. While the Shanganagh Park and Cemetery Masterplan 2019 provides details of the existing and proposed park layout, specific details of future subsequent phases and their environmental impacts are not detailed and, therefore, cannot be taken into consideration in this screening examination.

11.0 Recommendation

11.1. Having regard to the above assessment, I consider that the proposed development comprising the construction of a sand-based grass GAA pitch equipped with floodlights, the amalgamation and enhancement of a cricket and baseball pitch, the establishment of a 100m 6-lane sprint track with floodlights, the creation of a basketball area and callisthenics workout zone, upgrades to entrances and street furniture, new paths, ramps, steps, and lighting, tree planting and meadow areas, 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.

12.0 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 2022-2028 and the Woodbrook - Shanganagh Local Area Plan 2017-2023 (extended) 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 and

f) The submissions made by the applicants requesting a determination and by the local authority,

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Brendan Coyne
Planning Inspector

29th September 2023