



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319532-24

#### Development

Demolition of the existing clubhouse for the construction of a new two-storey clubhouse, realignment and resurfacing of pitch no. 1. The development proposes the provision of a shed building with an immediate use as a gym to be changed to maintenance and storage use upon completion of the development and all associated site works. A Natura Impact Statement has been prepared in respect of the proposed development.

#### Location

Dolphin Park, Crumlin Road, Dublin 12

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

4900/23

#### Applicant(s)

Templeogue Synge Street GFC

#### Type of Application

Permission

#### Planning Authority Decision

Grant

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David O'Sullivan
<b>Observer(s)</b>	Catherine Finlay
<b>Date of Site Inspection</b>	15 <sup>th</sup> November 2024 & 11 <sup>th</sup> April 2025
<b>Inspector</b>	Frank O'Donnell

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## **1.0 Site Location and Description**

- 1.1. The subject appeal site is located at Dolphin Park, Crumlin Road, Dublin 12. The site has a stated area of 5.52 hectares and comprises existing playing pitches, an existing single storey changing room building and associated hardstanding area. The changing room and hardstanding area are located in the northwest corner of the site, close to the vehicular access laneway. The existing vehicular access laneway is positioned between no's. 57 & 59 Crumlin Road. The main access gate is recessed c. 2 metres behind the front elevation of these said dwellings and comprises a high block wall and piers, galvanised metal gate and pedestrian access gate. There are 2 no. pedestrian access gates on the northeast side of the laneway which facilitate pedestrian access to the rear garden space of no. 57 and the recently constructed consultancy clinic further to rear of same. Vehicular access to the rear garages of no's 59 and 61 is also available via the laneway.
- 1.2. The surrounding area is characterised by a mix of residential, commercial, public and educational uses.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following main elements:
- The demolition and removal of an existing single storey clubhouse building (190 sqm). The building has a flat roof and measures 19.9 metres in length, 12.0 metres in width and 4.0 metres in height. It is also proposed to remove the associated hard surfacing area.
  - The construction of a new two storey clubhouse building (745 sqm) which measures 34.4 metres in length, 13.2 metres in width, 9.4 metres in height and is proposed to be located c. 19 metres further to the southeast of the existing clubhouse building. The new clubhouse is proposed to be orientated on a general southwest to northeast axis.
  - To the west of the proposed new clubhouse, it is proposed to provide a detached single storey shed building (195 sqm) which measures 4.65 metres in height. It is proposed to utilise the shed as a gym which will be changed to

maintenance and storage use upon the completion of the clubhouse which will have a dedicated gym space.

- The proposals include the realignment and resurfacing of the northern Senior Pitch no. 1 which includes relocating the pitch slightly eastwards from the western boundary hedge line. It is proposed to partially enclose the pitch by a 990 mm high (post and rail) spectator railing on its western and northern sides. Other proposed and associated/ playing/ training elements include:
  - Ball stop netting in 2 no. locations at the northern and southern ends of Pitch no. 1. The proposed ball stop netting is shown to measure 12 metres in height and 47 metres in length, is supported by 5 no. galvanised poles.
  - 2 no. sets of goal posts at pitch no. 1 (shown to measure 10 metres in height).
  - 8 No. new floodlights ranging in height from 18 metres to 20 metres with 4 no. on each side (east and west) of Pitch no. 1;
- The proposals also include the provision of
  - 61 No. car parking spaces (including mobility impaired (5 no.) and EV charging spaces (8 no.));
  - Coach parking (2 no. spaces) and mini bus parking (2 no. spaces) all at the northwest of the site close to the main site entrance;
  - 103 No. cycle parking spaces (including 3 no. cargo cycle spaces);
  - A Generator. A Generator area/ location is shown along the northern site boundary.
  - Public lighting around the clubhouse, parking and circulation areas; and
  - Hard and soft landscaping;
- and all associated site and development works above and below ground.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Local Authority issued a Request for FURTHER INFORMATION on 1<sup>st</sup> February 2024 on 3 no. main points, as follows:

1. *The Planning Authority note that the applicant (TSS) has submitted a title report to the access laneway and has included the laneway in the red line ownership. The applicant should note that there is an observation on file who are disputing the ownership of the laneway and that there are existing rights of way over this shared laneway. In this regard, the applicant is requested to submit the following information:*

- a) *The applicant is requested to clarify what properties on the Crumlin Road currently have access to the shared laneway entrance. It would appear from a recent site inspection that some of the houses use this laneway, and two of these properties have garages with access doors out onto the laneway.*
- b) *The applicant is requested to clarify what access arrangements currently exist for the properties outlined above in point (a), to use the laneway. In this regard, it is noted that the outer doors to Dolphin Park are sometimes locked, when the club is not in use. Therefore the applicant is requested to detail how the properties gain access to their rear garages/properties when these gates are locked.*
- c) *The applicant is requested to clarify, what properties, if any, currently have a right of way over the laneway, which runs from the Crumlin Road entrance to the inner Dolphin Park Gates. Any rights of way should be clearly indicated on a map.*
- d) *The applicant is requested to clarify whether any wayleaves exist over this property, and if so, a map should be provided to show same.*

- e) *The applicant is requested to provide a detailed schedule of works proposed to the access laneway, and in particular the section of the lane leading from Crumlin Road entrance to the inner gates into Dolphin Park.*
  - f) *The applicant is requested to clarify what measures, if any, will be put in place to protect the properties at the entrance to the laneway, at number 57 and 59 Crumlin Road (who side onto the laneway), during the construction work phase.*
  - g) *The applicant is requested to clarify how the properties, outlined in item (a) above will gain access to their rear garages/properties, during construction works.*
  - h) *The applicant is requested to clarify that the properties outlined in item (a) above will continue to be able to freely access their properties, to the rear, once works have been completed, including access to any garages.*
  - i) *The applicant is requested to clarify what measures will be put in place to ensure that the garages who access the laneway will not be blocked at any time during construction works or during operation phase when matches/training are in place.*
2. *The Planning Authority has concerns about the location of the proposed generator on site which is located in close proximity to a number of residential properties. In this regard the applicant is requested to submit a revised drawing, showing an alternative location for this generator, away from residential properties. The applicant is also requested to submit further details on this generator, including details on any noise/fume emissions.*
3. *The applicant is requested to submit a revised laneway drawing detailing a demarcated footway along the access road and internal roads along with proposed materials and surface finishes.*

Following receipt of the Response to Further Information, the Local Authority issued a Notification of Decision to GRANT permission on 21<sup>st</sup> March 2024 subject to 13 no. conditions.

Condition no. 5 reads as follows:

*5. (a) Ball-stop netting shall be deployed on the two ends of the senior pitch only. The netting shall be designed and managed to prevent impact on birds using the site. The netting shall be retractable, with colour stripes and shall be opened only 30 minutes before matches and fully retracted 30 minutes after matches.*

*(b) A suitably qualified ecologist appointed by the applicant/developer shall conduct monitoring of the Light-bellied Brent geese during the construction phase and operation phases. If disturbance is observed, then mitigation measures during the construction phase shall be improved to prevent disturbance to the geese and other wintering birds. The ecologist shall conduct bird counts for two winter seasons following completion of construction. If the netting is found to have a negative impact on the geese, the ecologist is to propose further mitigation measures, which must be completed by the applicant. The post monitoring report and mitigation measures shall be submitted to Dublin City Council's Parks, Biodiversity and Landscape Services section for review.*

*(c) Site clearance works, including removal of existing vegetation shall avoid the nesting season (from 1st March to 31st August inclusive). If works must take place during this period then the applicant/developer shall hire a suitably qualified ecologist to inspect the vegetation, including trees and shrubs, for nests prior to any works taking place. If any nests are present, then the ecologist shall apply for a licence from the National Parks and Wildlife Service and submit a copy of any approved licences to DCC Parks, Biodiversity and Landscape Services.*

*Reason: To conserve bird species and to comply with the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011)).*

Condition no. 6 reads as follows:

*6. The applicant/developer shall appoint a suitably qualified ecologist 8 weeks prior to any ground works taking place on the site, to conduct a survey for Invasive Alien Species (IAS) listed under the Third Schedule list of the*



*European Communities (Birds and Natural Habitats) Regulations 2011 [S.I.477/2011]. If found on site, the ecologist should notify the National Parks and Wildlife Service and submit an IAS management plan to Parks, Biodiversity and Landscape Services.*

*Reason: To control invasive species and to comply with the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011)).*

Condition no. 7 reads as follows:

*7. (a) Proposed lighting must comply with the Guidance Note GN08/23 Bats and Artificial Lighting at Night, published by Bat Conservation Trust and the Institution of Lighting Professionals (2023). Lighting should be directional and avoid areas of hedgerows and trees that could be used by commuting and foraging bats, and nesting birds.*

*(b) All lighting to be switched off at the site by 22:00 hours (10 pm) and no lighting shall be left on overnight or lit during daylight hours when not required. Any security lighting shall be fitted with motion sensors and automatic timers to ensure that lighting is on for brief periods and does not disturb wildlife.*

*(c) A bat and bird nest monitoring survey shall be completed at the appropriate time of year by a suitably qualified ecologist following installation of the sports lighting on the site. If the lighting is found to be causing an impact to commuting or foraging bats or nesting birds, additional mitigation shall be put in place by the applicant/developer. The post monitoring report and mitigation measures shall be submitted to Dublin City Council's Parks, Biodiversity and Landscape Services section for review.*

*(d) A post monitoring bat survey shall be conducted at the appropriate time of year to see whether the screening mitigation is effective, or if further screening is required.*

*Reason: To conserve bats and to comply with the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011) and the Wildlife Acts (1976-2021).*

Condition no. 8 read as follows:

*‘8. Mitigation and monitoring shall be carried out in accordance with the submitted Natura Impact Statement, Ecology Note and Construction Environmental Management Plan (CEMP), with written notification of their commencement to be submitted to the Planning Authority.*

*Reason: in the interests of biodiversity and sustainable development.’*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** considered the uses proposed as part of the subject application would be consistent with the Z9 zoning of the site. Following receipt of the Response to Further Information, the Local Authority Planner considered that the Applicant had satisfactorily addressed the concerns raised, and that therefore the proposed development was considered to be consistent with the provisions of the Development Plan and the proper planning and sustainable development of the area. The Local Authority Planner recommended that permission be granted.

#### 3.2.2. Other Technical Reports

- The **Drainage Division** raised no objection to the proposed development subject to 1 no. condition containing 8 no. sub-parts.
- The **Environmental Health Officer** raised no objection to the proposed development subject to 5 no. noise control conditions to be applied during the Construction and Operational Phases.
- The **Transport Planning Division** raise no objection to the proposed development subject to 8 no. conditions.
- The **Parks Department** raise no objection to the proposed development subject to 5 no. conditions.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- 3.4.1. A total of 27 no. Third Party Observations/ Submissions were received in relation to the proposed development. The submissions were mostly from local schools, local residents and the wider community. The majority of the submissions (26 no.) were in support of the proposed development with 1 no. submission from the current Appellant being in opposition to the proposals. The issues raised are similar to those referred to in the Local Authority Assessment and Decision.
- 3.4.2. The said observations included submissions from the following, in support of the proposed development:
- John Lahart TD;
  - Cllr. Michael Watters;

### 4.0 Planning History

#### 4.1. Planning History on the Subject Appeal Site

- **6255/04 (Appeal Ref. No. PL 29S 214318):** Permission for the erection of a new clubhouse, car park, 103 apartments with basement carpark, crèche, ESB substation, new vehicular access adjacent to Loreto Primary School and all associated works. Permission was GRANTED on 7<sup>th</sup> March 2006 subject to 20 no. conditions.
- **6255/04X1: EXTENSION OF DURATION** of planning reg. ref. no. 6255/04 (Appeal Ref. No. PL 29S 214318): Extension of Duration Permission was REFUSED on 4<sup>th</sup> April 2011 for 1 no. reason as follows:
  - 1) *The application has been examined. Due to significant changes in the development objectives and standards in the Dublin City Development Plan 2011-2017, the proposed development is inconsistent with the adopted height standard, where 4 storeys residential floors or below 13 metres is permitted. The grant of planning permission permits four 5 storey blocks and one 6/7 storey block which is inconsistent with the proper planning and sustainable development of the area. Therefore, it is*

*recommended that the application for the extension of duration of Planning Permission for a period of five years is refused.*

- **4302/06 (Appeal Ref. No. PL 29S 220143):** Permission to upgrade the existing boundary treatments. The proposed boundary treatment consists of new palisade fencing, temporary ball stop netting and subsequent trees and planting. Permission was GRANTED on 14<sup>th</sup> May 2007.
- **6890/06:** Amendment to planning reg. ref. no. 6255/04 (Appeal Ref. No. PL 29S 214318) comprising the redesign of previously permitted crèche and associated crèche facilities. Permission was GRANTED on 17<sup>th</sup> May 2007.
- **1834/07:** Amendment to planning reg. ref. no. 6255/04 (Appeal Ref. No. PL 29S 214318) comprising alterations to previously permitted clubhouse. Permission was GRANTED on 22<sup>nd</sup> May 2007.
- **2724/19 (Appeal Ref. no. ABP-304792-19):** Permission for Demolition of clubhouse building and construction of 2-storey clubhouse and construction of 161 houses.

**A judicial review was taken on this decision in 2020. There was a high court judgement quashing the Boards decision to Grant permission (Flannery, O’Sullivan, Carroll V An Bord Pleanála, 2022).**

- **5194/22:** Permission for the realignment of the 2 no. existing Senior Pitches with 1 No. pitch enclosed in a 990 millimetre high spectator barrier/fence; an all-weather pitch enclosed in a 990 millimetre high spectator barrier/fence; grass training areas; warm-up areas; and the construction of a new 2 No. storey clubhouse (745.6 sqm). The development also proposes the demolition and removal of the existing 1 No. storey clubhouse (190.1 sqm); ball-stop netting; 3 No. lighting poles; and hard-surfacing. In addition, the development proposes the provision of: a 2 metre wide jogging/walking path; 93 No. car parking spaces (including mobility impaired and EV charging spaces); coach and mini bus parking; cycle parking; 21 No. new floodlights ranging in height from 15 metres to 20 metres; public lighting; generator; goal posts and 12 metre high retractable ball-stop netting in locations throughout the site; ball wall; hard and soft landscaping; and all associated site works. A Natura Impact Statement has been prepared in respect of the proposed

development. (10 year permission sought). Permission was REFUSED on 8<sup>th</sup> June 2023 for 2 no. reasons, as follows:

1. *Having regard to: a) the importance of the Dolphin Park grounds as feeding/resting grounds to a number Protected Bird species, in particular the Light-bellied Brent Goose, b) the cumulative impact of the works proposed at this location which include an all-weather pitch, 900mm spectator barrier/fences, the installation of ball stop netting, a jogging/walking path, and the realignment/resurfacing of the grass pitch 1, and c) the intensification in use of the grounds during the winter months, as a result of the proposed flood lighting, the proposed development would result in potential significant disruption to the Light-bellied Brent Goose and the loss of some of feeding grounds for the wintering birds. Having regard to the precautionary principal, the Planning Authority considers that the applicant has not proven beyond doubt that the proposed development, either alone or in combination with other proposed development, would not result in adverse ex-situ effects on the Light-bellied Brent Goose, a SCI species for the South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and the Baldoyle Bay SPA. Therefore, the proposed development would be contrary to Policies GI1, GI9, GI10, GI13 of the Dublin City Development Plan (2022-2028), contrary to the Z9 zoning objective 'To preserve, provide and improve recreational amenity, open space and ecosystem services' of the subject lands in that Development Plan and contrary to the proper planning and sustainable development of the area.*
2. *The proposed re-location of Senior Pitch 2 and the proposed development of the grass training area and the multi-surface/all-weather pitch, in combination with the extent of floodlighting proposed, would result in an increased level of activity, noise and general disturbance during winter months in close proximity to dwellings and gardens on Rutland Avenue and Clogher Road respectively. Therefore, the proposed development would seriously injure the residential amenities of adjoining dwellings and would be contrary to the proper planning and sustainable development of the area.*

#### 4.2. Planning History on the Adjacent site to the Northwest of main site entrance lane

- **4062/18:** Permission for the development of consisting of an independent single storey facility (23 sqm) with access via the neighbouring GAA club grounds. The facility will consist of 2 no. therapy suites / waiting area & wc facilities & garden space. Decided parking is located on the GAA club grounds. Also included in the application is the incorporation of street signage to Crumlin Road in keeping with the existing street front. Permission was GRANTED on 22<sup>nd</sup> May 2019 subject to 12 no. conditions.

Condition no. 3 reads as follows:

3. *This Planning Permission is granted for a limited period of three years from the date of this grant at which date the Permission shall cease and the use hereby approved shall cease unless a further Permission has been granted before the expiry of that date.*

*Reason: In the interests of the proper planning and development of the area, and so that the effect of the development may be reviewed having regard to the circumstances then prevailing.*

Condition no. 4 reads as follows:

4. *Prior to commencement of development the applicant shall submit the following for the written agreement of the planning authority. a) The applicant shall submit a written letter from the Templeogue Synge Street GFC club clarifying the access arrangements to the site and also the following: b) That the club will permit an access door to the side gable of number 57, out onto the laneway owned by the Club to allow access to the single storey structure from Number 57 Crumlin Road c) That the club will provide the use of 2 number designated car parking spaces in their grounds in Dolphin Park during the operational hours of the therapy suites. d) To agree an access strategy with the Templeogue Synge Street GFC club, in order to ensure grounds at the Club are secure at all times e) Details to be submitted and agreed in relation to any use of CCTV cameras on the access road to the Dolphin Park and that the Club will consent to same. f) No cars in connection with Mosaic Counselling shall*

*park at the front access laneway to the entrance of the Templeogue Synge Street GFC club g) Hours of operation shall be agreed in writing*

*Reason: In the interests of the proper planning and development of the area.*

4.3. Planning History on the Adjacent site to the Northwest of main site entrance off Crumlin Road

- **ABP-316828-23:** Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme. Permission was GRANTED on 17th October 2024 subject to 26 no. conditions.

4.4. Planning History on the Adjacent site to the Northwest (39-41 Crumlin Road, Dublin 12)

- **4249/24 (ABP-321226-24):** Demolition of shed and change of use of 3-storey office to provide 16 residential accommodation units and all associated site works. Appeal was WITHDRAWN (S.140(1)(a)) on 10th December 2024. Permission GRANTED on 12th December 2024 subject to 6 no. conditions.

## 5.0 Policy Context

### 5.1. Development Plan

- Dublin City Council Development Plan, 2022 to 2028

- 5.1.1. Under the provisions of the Dublin City Development Plan, 2022 to 2028, the majority of the appeal site is zoned Z9 (Amenity/ Open Space Lands/ Green Network), the relevant zoning objective for which is *‘to preserve, provide and improve recreational amenity, open space and ecosystem services’*. Chapter 14 of the development plan relates to Land Use zoning. As noted in Section 14.7.9, permissible uses on Z9 lands include *‘club house associated with the primary Z9 objective.’* Uses which are open for consideration on Z9 lands include *car park for recreational purposes, ... community facility, ... cultural/recreational building and uses, ... golf course and clubhouse, ... sports facility and recreational uses, ....*
- 5.1.2. The balance of the subject appeal site, at the existing laneway entrance off Crumlin Road, is zoned Z1 (Sustainable Residential Neighbourhoods), the relevant zoning objective for which is *‘To protect, provide and improve residential amenities’*. I note

permissible uses set out in Section 14.7.1 of the plan in relation to Z1 lands include sports facility and recreational use. Having regard to the established sport and recreational use of the site and the established use of the existing laneway for access to same, I am satisfied that this aspect of the proposed development is consistent with the Z1 zoning of this element of the site.

5.1.3. Chapter 10 of the development plan relates to Green Infrastructure and Recreation. Policies and Objectives contained in Chapter 10 which are considered to be of relevance to the subject proposals include the following:

#### Policies

- **GI1: Green Infrastructure Assets** *To identify and protect the integrity of the city's GI assets, as appropriate, and to enhance and expand the connectivity, multi-functionality, and accessibility of the city's green infrastructure network, while addressing gaps in the network.*
- **GI13: Areas of Ecological Importance for Protected Species** *To ensure the protection, conservation and enhancement of all areas of ecological importance for protected species, and especially those listed in the EU Birds and Habitats Directives, including those identified as supporting the favourable conservation condition of any European sites, in accordance with development standards set out in this plan.*
- **GI16: Habitat Creation and New Development** *That new developments (as appropriate) will be required to support local biodiversity and incorporate biodiversity improvements through urban greening and the use of nature-based infrastructural solutions that are of particular relevance and benefit in an urban context. Opportunities should be taken as part of new development to provide a net gain in biodiversity and provide links to the wider Green Infrastructure network. All suitable new buildings will be required to incorporate swift nesting blocks into the building fabric.*
- **GI17: Habitat Restoration** *To increase the percentage of restored and naturalised areas on public land in the city. That new development on private and public lands should provide opportunities for restoration of degraded habitats and soils where feasible and provide for their long-term maintenance to limit degradation.*



- **GI18: Minimise Impact – Light and Noise** *To minimise the environmental impact of external lighting and noise at sensitive locations to achieve a sustainable balance between the needs of an area, the safety of walking and cycling routes and the protection of sensitive species such as bats (see also Section 9.5.9 Public & External Lighting).*
- **GI24: Multi-Functionality (GI)** *To incorporate new open space into the green infrastructure network for the city and providing a multi-functional role including: outdoor recreation, biodiversity, urban drainage, flood management, connection and carbon absorption without compromising public access to and the amenity function of open space (see Section 15.6: Green Infrastructure and Landscaping).*
- **GI45: National Physical Activity Plan 2016** *To improve the health and well-being of communities by increasing access to participation in sports, recreation and healthy activity in line with the National Physical Activity Plan 2016, the Healthy Ireland Framework 2019 – 2025 and the Sport Ireland Participation Plan 2021 – 2024.*
- **GI46: To Improve and Upgrade/ Provide Access to Sports / Recreational Facilities** *To improve and upgrade existing sports/recreational facilities in the city and to ensure the availability of and equal access to a range of recreational facilities to the general population of all ages and groups (including women/girls and minority sports) at locations throughout the city, including housing complexes. In areas where a deficiency exists, Dublin City Council will work with the providers of such facilities, including schools, institutions and private operators, to ensure access to the local population.*
- **GI47: Private Recreational Lands** *To support the development of private recreational lands for recreational purposes.*
- **GI48: Multiple Use of Sports and Recreational Facilities** *To maximise the multiple use of sports and recreation facilities by encouraging the co-location of services between sports providers, schools, colleges and other community facilities.*
- **GI49: Protection of Existing and Established Sport and Recreational Facilities** *To protect existing and established sport and recreation facilities,*

*including pitches, unless there is clear evidence that there is no long term need for the facility; unless the loss would be replaced by equivalent or better provision in terms of quantity or quality in an accessible and suitable location; or the development is for alternative sports and recreational provision, or required to meet other open space deficiencies, the benefits of which would clearly outweigh the loss of the former or current use.*

## Objectives

- **GI07: National Biodiversity Action Plan 2017-2021** To support the management targets for nature conservation sites set out in the National Biodiversity Action Plan 2017 (and as updated) and the objectives for local authorities to address threats to biodiversity.
- **GI08: Dublin City Biodiversity Action Plan 2021 - 2025** To support the implementation of the 'Dublin City Biodiversity Action Plan 2021–2025' (or as updated), which sets out key themes and objectives for biodiversity conservation and restoration and measurable targets and actions, in partnership with all relevant stakeholders.
- **GI013: Dublin City Habitat Map and Database** To protect and improve connectivity of habitats and to prevent habitat loss and fragmentation through urban land use change, development and management through the use of the Dublin City Habitat Map and Database (2020, and updates) to inform planning decisions.

5.1.4. Chapter 15 of the development plan relates to Development Standards.

## 5.2. Natural Heritage Designations

5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- North Dublin Bay SAC (Site Code 000206), c. 8.22 km to the Northeast;
- South Dublin Bay SAC (Site Code 000210), c. 5.34 km to the East;
- North Bull Island SPA (Site Code 004006), c. 8.22 km to the Northeast;
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 5.34 km to the East;

- North West Irish Sea SPA (Site Code 004236), c. 9.74 km to the Northeast;
- Baldoyle Bay SPA (Site Code 004016), c. 13.43 km to the Northeast;

### 5.3. EIA Screening

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The proposed development is subject to 1 no. third party appeal as follows:

- David O'Sullivan

- 6.1.2. The main Grounds of Appeal can be summarised as follows:

- Creation of Permanent Traffic Hazard -
  - The existing site entrance is a traffic hazard, is inadequate from a safety point of view and represents a traffic safety risk. The Applicants proposals do not serve to improve the situation, owing to a lack of visibility splays and sightlines.
  - The laneway is proposed as a major construction entrance for an extended period of time.
  - Traffic Volumes have significantly increased at the site in recent years. There is nothing to control a similar situation into the future.
  - There is a potential alternative entrance to the appeal site from Rutland Avenue (a 30kph zone), entirely on the Clubs own lands, which could form a two lane access. No feasibility study is provided for a DMURS

standard entrance at this location which would be far safer for pedestrians and cyclists to the current substandard proposals. No proper consideration was given to this option in the planning assessment. The Local Authority own land adjacent to this lane. This entrance could serve as a viable alternative means of access to the lands.

- The traffic data used to justify the main entrance is out of date (2018). This is raised as an issue in the Roads Report attached to the planning file. Counter data presented by the Appellant was not considered. The Assessment of Local Authority is therefore flawed.
- This section of the Crumlin Road is too congested and hazardous for this blind entrance to be formalised. If permission is granted this will serve to intensify the use and frequency of traffic movements thereby leading to an increased risk of traffic accidents.
- The Board is requested to analyse and appraise all data presented by the Appellant including that of the Appellants expert witness, the sightline measurements presented, the Telraam data and the news reports of road traffic incidents collated from this area in the absence of any RTI data.
- Since November 2023 the Local Government Management Association (LGMA) has prohibited the receipt of data from the Road Safety Authority (RSA), any previous data from the RSA is historic and outdated. As there is no recent RTI data available for Crumlin Road in addition to no up to date traffic count, the Appellant questions how the Local Authority has reached its decision to approve the development.
- The Local Authority should not have granted permission for this proposal, which will serve to intensify traffic movements on the subject substandard lane and narrow entrance, at a location where there is fast moving traffic, without first analysing the impact of the proposal on road safety, traffic and forming an opinion as to how the R110 is regarded in terms of safety.

- Roads Report Transport Planning Division -
  - The Transportation Planning Division Report does not appear to acknowledge the lane is currently utilised to access the rear of no. 61. This shows a lack of awareness.
  - The stated support of local residents in the Report from the Transportation Planning Division is questionable.
  - The width of the vehicle laneway is not 6 metres, the Applicant has misrepresented this fact.
  - The proposed raised kerb shown on drawing no. 11354-2035P02 is a significant hazard for pedestrians and cyclists.
  - The swept path analysis diagrams for bus and coach access are not achievable.
- Active Travel -
  - The proposals are not in line with the City's active travel plan, there are insufficient cycle space and cargo bike spaces provided.
- Environment -
  - Appellant refers to the environmental points raised in his initial observation to the planning application.

Brent Geese:

- The Local Authority has relied upon a 2019 Geese study as the Applicants 2022/ 2023 study is unreliable.
- The Appellant witnessed over 500 geese being dispersed from the site prior to an environmental survey taking place. The Appellant therefore questions the accuracy of the survey. The Local Authority considered the interference with a survey to be a matter to be reported to the National Parks and Wildlife Service (NPWS) and apparently would have no bearing on its assessment. There is no reliable recent data in relation to bird life and, in particular, Brent Geese at Dolphin Park.

- Legal Title to Laneway

- The Applicant does not own the access laneway. No evidence of ownership is presented.
- The Appellant states that the Clubs title documents apparently state they have a right of way on an unspecified laneway.
- The Appellant considers the Local Authority Assessment of this issue to be inadequate. The Appellant refers to the comments of the presiding Judge in the judicial review in relation to the issue of title and to the content of their previous observation submission lodged with the Local Authority. The Applicant refers to a Solicitors letter attached to the Appeal which relates to a deed of indenture from 1932 where there is a dominance of the laneway which favours adjacent residents, including the Appellants property, formerly no. 3 Rhandoon Villas. This letter was sent to the Board in 2019. The Local Authority consider the title of the laneway to be a Civil Matter.
- The Appellant considers that the Board should, in this instance, have regard to the matter of legal title. There is no mention of a specific lane in the Applicant's title report and no letter of consent from the owners which must be indicated to the Local Authority in the Applicant's planning application form.
- The Appellants Solicitors have recently sought unredacted documents in relation to title from the Applicants', no response has been received to date. The Appellant considers that both the Local Authority and the Applicant are overstepping the mark. The proposals will serve to terminate existing parking along the side of no. 57 Crumlin Road. The proposed raised kerb will serve to interfere with access and turning movements to the rear garage of no. 59 Crumlin Road. The Board is referred to the comments of the presiding Judge regarding this issue of access to the rear (garage) of no. 57 Crumlin Road.

- Unauthorised Development:

- Physical alterations to the lane have been carried out by the Applicant without the benefit of planning permission and this has been reported by the Appellant to the Local Authority.
- Unauthorised signage was installed over the gate in 2019 and unauthorised parking signage installed along the land in February 2024.
- Laneway blocked by Club Members when a waste truck serving the Appellants site was seeking to exit. The Appellant is concerned that a similar issue will arise during the construction phase, should permission be granted.
- CCTV has been recently installed without the benefit of planning permission. The cameras face the Appellants rear garage and the rear of a separate adjacent property. The Appellant was not consulted and considers this to be in breach of their rights. The club, by email, had previously threatened to install cameras and to restrict access to the laneway.

- Planning Commitments

- The Applicant has not honoured a commitment made under planning reg. ref. no. 4062/18 to provide car parking spaces on their site. This commitment is not mentioned in the Applicant's Response to Further Information under the subject application.
- The entrance to this site (the subject of planning reg. ref. no. 4062/18) is not shown on the Applicants Proposed Access Lane drawing (Drg. Ref. No. 11354-2035P02). Pedestrian access to this said site from the subject lane is not correctly shown and is instead shown to be from the Crumlin Road. The drawing shows a pedestrian access to the rear garden of no. 57 where there is no access. The opening to this site from the lane is further to the north.

- The vehicular access lane to the subject appeal site is used for parking on a daily basis at the side of no. 57 where it is proposed to provide a pedestrian access lane.
- The drawing misrepresents how the lane is used.

## 6.2. Applicant Response

6.2.1. The Applicant submitted a Response to the Third Party Appeal on 14<sup>th</sup> May 2024. The main issues raised in the Response can be summarised as follows:

- Landownership:
  - The Board is directed to the submissions attached as Appendix A (Applicant Letter) and B (Solicitors Letter) of the submission.
    - In relation to the Applicant's title, the Applicant refers in Appendix A to
      - The planning report made available with the Application, where it is noted that any issue as regards title to the laneway is not to be resolved by the Planning Authority.
      - An email from the Appellant from 2016 in relation to the purchase of his dwelling where the Appellant states '*the adjacent laneway to this property is owned by your client Synge Street and Templeogue GAA*' and that in order for the sale to see completion 'the deeds of Synge Street and Templeogue GAA club grounds must be examined for right of way by occupants of the Appellants property/ dwelling to the rear of that said property/ dwelling.
- Appendix B of the Applicant's submission letter includes a Solicitors Letter, a Title Report dated February 2023, Maps and Land Registry Folio details. The Solicitors Letter documents unsuccessful attempts to engage with the Appellants Solicitors in relation to the issue of title of the Applicant's Lands, including the laneway entrance. This includes furnishing the Appellants Solicitors with a Copy of the Report on Title. The letter refers to 3 no. surrounding properties which have access to the



laneway for the purposes of accessing their respective properties and states that no formal written right of way or other agreement is in place in respect of said access arrangements. It is also pointed out, according to the respective folios for each of the said properties, that there are no rights of way noted thereon, copies of the said folios are provided. It is finally stated that there will be no change to the above access arrangements as a result of the proposed works and that the works will improve the current access arrangements.

- Appendix B also includes a Title Report and Maps, the main points of which can be summarised as follows:
  - The Applicant's title to the Property, including the laneway, is an Unregistered Leasehold title.
  - The Applicant holds a lessee's interest in a sub lease dated October 2003 between a number of parties for a term of 850 years from March 2003 subject to a small yearly rent and the associated covenants and conditions on the part of the lessee in the 2003 lease.
  - The laneway is included in the lease as shown outlined in red on the map attached to the lease plan.
  - The lease refers, in its first schedule, to an Assignment dated April 1990. The Assignment included a Map with an area coloured in yellow over which there was a Right of Way. This relates to the subject laneway. It is stated in the Solicitors Letter that *'the right of way is no longer relevant by virtue of the fact that TSS subsequently acquired the title to the laneway pursuant to the 2003 lease.'* It is further stated that there are no covenants within the 2003 lease restricting in any way the use of the laneway and that TSS (the Applicant) is entitled to use the laneway in such manner as it sees fit and at its entire discretion.
  - Reference is made to the Root of the Title and specifically to a Head Lease from 1875 and an associated map upon which the relevant lands are outlined in red. It is stated that the laneway is

comprised within the boundaries of the lands comprised in the Head Lease and that there are no rights of way or covenants within the Head Lease restricting in any way the use of the laneway. It is finally stated that the Landlord acquired the lessee's interest in the head lease and other lands by virtue of the Deed of Conveyance and Assignment dated the 15<sup>th</sup> December 1985 as referred to in the first schedule of the 2003 lease.

- Permanent Traffic Hazard:

- Site Entrance:

The main site entrance is long established, has served as the main access to the club for many years and is considered suitable to cater for the proposed development.

Reference is made to Section 7.1 of the Traffic and Transportation Assessment (TTA) regarding the achievement of sight visibility splays of 2.4 metres X 49 metres which are deemed adequate by the appointed Consulting Engineers.

No concerns in relation to sightlines were raised by the Local Authority (Transport Planning Division).

- Laneway Safety:

- The safety of the laneway will be improved by
    - Promotion of active forms of travel over the private car.
    - New markings and signage.
    - Separation of pedestrian traffic from vehicular traffic.
    - Connectivity of pedestrian path to proposed new internal pathway.
  - Car parking and access arrangements are actively managed by the Club and this will continue, see Management Plan.
  - The Applicant considers the proposals will make the laneway safer.

- Upgrades to Facilities Increasing Movements:
  - Upgrades include formalised parking layout which will lead to a reduction in car parking capacity. Active Travel measures by the club together with increased bike parking facilities means increased traffic movements are not anticipated.
- Traffic Counts:
  - The traffic counts from May 2018 are not strictly precluded and are therefore used. A modifier was used to uplift traffic volumes from 2018.
  - The approach to traffic is therefore sufficiently robust and defensible and should be considered in terms of quantitative and qualitative efforts to reduce car dependency.
- Rutland Avenue Entrance:
  - Not used as an entrance by the Club in living memory and is blocked up. Its maintenance and upkeep is carried out by a local community group resulting in a more appealing public facing area along Rutland Avenue.
  - This option is not viable as a possible alternative entrance owing to:
    - The configuration of Rutland Avenue which is a narrow residential road which is not of sufficient scale or width to accommodate anticipated traffic movements.
    - Ad hoc parking restricts carriageway width and available sightlines.
    - On going arrangement with the Club and local residents to upkeep the area.
    - This arrangement would necessitate the provision of an internal road network thereby impacting upon the developable site area for pitches and training areas, reducing the ex situ areas for wintering birds species and impacting local residents.

- This arrangement would result in additional costs for a community based Club.
- Active Travel:
  - The rates of cycle parking (103 no. spaces including 3 no. cargo cycle spaces) are as per the requirements of the Local Authority. The proposed cycle parking rates are substantial. The Club seeks to promote active travel. If active travel methods are underused, the Club will promote its use more heavily. Additional parking will be provided if oversubscribed.
- Ecology and the Environment:
  - Up to date wintering birds surveys were undertaken by the Applicants Design Team. Brent Geese were recorded on site on 2 no. separate occasions, accounting for 350 no. individuals on one occasion.
  - It is agreed by all parties that the site is an important ex situ site for Brent Geese. The design has evolved to take account of this which was also informed by the Councils precautionary approach and refusal of the first sports facility proposal, as per planning reg. ref. no. 5194/22. The proposals have been scaled back from previous proposals as floodlighting, ball-stop netting, all weather pitch, railings etc have all been removed. There are also a range of mitigation measures proposed especially during the construction stage and management/ operation of the pitches. The Applicant quotes from the conclusion (Section 5.0) of the Natura Impact Statement (NIS).
- Planning Commitments:
  - The access to no. 57 will not be restricted. Residents and clients will benefit from an improved walking route along the laneway.
  - Applicant is willing to accept a condition to agree a revised laneway drawing with the Local Authority which includes the new location of the access to the side of no. 57 and the position of the single-storey structure to its rear.

### 6.3. Planning Authority Response

6.3.1. A Response from the Local Authority dated 29<sup>th</sup> April 2024 states the following:

- *The Planning Authority would request that the Bord uphold our decision. The Planning Department would request that if permission is granted that the following condition(s) be applied:*
  - *A condition requiring the payment of a Section 48 development contribution.*

### 6.4. Observations

6.4.1. 1 no. Observation was received from the following in respect of the appeal:

- Catherine Finlay

6.4.2. The issues raised in the Observation can be summarised as follows:

#### Parking:

- Under planning reg. ref. no. 4062/18, a commitment was given by the Club to provide 2 parking spaces for the use of clients visiting the adjacent mental health facility. This has not materialised. The laneway is sometimes used by clients for parking.

#### Entrances off the Laneway:

- One side entrance to no. 57 Crumlin Road and one entrance to the Mental Health Clinic are not shown on the drawings.
- Main entrance to no. 57 is used daily for pedestrian and vehicular access not the side entrance onto the laneway.

#### Pathway:

- The proposed new pathway infringes upon the property rights of the Observer. No consent has been provided for streetlighting along the pathway, for a footpath along the side of the Observers property or for disturbance of existing services.

#### Traffic Impact:

- The proposed footpath will only add to congestion and make the traffic situation more dangerous.
- The increase in traffic volumes and the increased use of the junction onto the R110 is a cause for concern. The increased use of the junction would make it unsuitable and dangerous for a large sports facility. The laneway is substandard.

#### Construction Traffic:

- There is a lack of consideration in the application as to how Construction Traffic will serve to impact upon the Observers property.

#### CCTV:

- CCTV has been installed along the laneway without consulting residents or considering their right to privacy. A condition to this effect was placed upon the residents of the Observers property when they installed CCTV for security purposes at their residence.

### **6.5. Further Responses**

- None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Legal Title to Laneway
- Traffic Safety/ Traffic Impact
- Bird Surveys
- Ecological Impacts

- Design and Layout
- Other Matters
  - *Unauthorised Development*
  - *Adjacent Planning Reg. Ref. No. 4062/18*
  - *Parks Department*
  - *Site Services*
  - *Development Contributions*

## 7.2. Legal Title to Laneway

- 7.2.1. The Applicant (Templeogue Synge Street GFC) indicate in Q. 7 a) of the planning application form that they are the Owner and specifically refer to a Title Report attached as Appendix A of the submitted Planning Report. Point no. 1 of the Request for Further Information partly relates to the issue of title and whilst acknowledging the submitted title report and the fact that the laneway is contained in the proposed red line boundary, the Local Authority note that this is disputed in a third party submission on file. The Applicant's Response to the Further Information Request includes a letter from the Club where it is stated, inter alia, that they are the legal owner of the laneway. The subsequent Report from the Local Authority Planner, dated 21<sup>st</sup> March 2024, considers that the issue of landownership is not something which the Planning Authority can resolve and states *'the applicant has clearly stated that they own the laneway, and therefore any dispute on this matter, is a civil matter between the various landowners.'*
- 7.2.2. I note the Applicant's Appeal Response, in relation to the issue of title, refers to the same Title Report dated 16<sup>th</sup> February 2023 as submitted to the Local Authority as an Appendix to the Applicant's Planning Report and also includes a letter from the Applicant (Templeogue Synge Street GAA Club) and a Solicitors Letter dated 14<sup>th</sup> May 2024 attached to the Applicant's Response. This information post-dates the decision of the High Court to quash appeal ref. no. ABP-304792-19 made on 4<sup>th</sup> April 2022 ([2022] IEHC 83).
- 7.2.3. I note guidance set out in Section 5.13 of the Development Management Guidelines, 2007, regarding issues relating to the title to land where it is stated, in particular, that *'the planning system is not designed as a mechanism for resolving disputes about*

*title to land or premises or rights over land; these are ultimately matters for resolution in the Courts.*’ I further note the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended, where it is stated that *‘a person shall not be entitled solely by reason of a permission under this section to carry out any development.’*

- 7.2.4. It is clear there is a dispute in relation to the issue of title to the laneway serving the subject appeal site. Based on the information received, including the Appeal submission from the Appellant which does not include any new evidence to support claims regarding ownership, it is my opinion that it is reasonable to conclude that the evidence supports the first party claims. I am therefore satisfied that the Applicant has demonstrated sufficient legal interest to apply for planning permission. I would agree with the Local Authority that *‘any dispute on this matter, is a civil matter between the various landowners’*. Where it is decided to issue a decision to Grant planning permission in this instance, I recommend that express reference to the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended, be made in any cover letter enclosing the Board’s decision.

7.3. Traffic Safety/ Traffic Impact

- 7.3.1. Point no’s 1 (subparts a) to i)) and Point no. 3 of the Request for Further Information issued on 1<sup>st</sup> February 2024 specifically relate to the existing site access laneway from Crumlin Road. I note the Applicant’s Response to said Request for Further Information and the assessment of same by the Transportation Planning Division where, as per the Report dated 6<sup>th</sup> March 2024, no objection is raised to the proposed development subject to 8 no. conditions. I note specific reference is made in the Transportation Planning Division Report to the submitted drawing (Dwg. 11354-2035RevP02) *‘which denotes the width of the walkway as 0.858m at the middle, it is noted the walkway is not homogeneous throughout, with a pinch point created at no.57. Of note, Section A-A shows the footway at the same level as the road. The proposed is not acceptable.’* I further note Condition 3 a) of the Notification of Decision to Grant permission is a prior to commencement condition which requires the submission of a revised laneway drawing detailing a demarcated footway along the access road and internal roads along with proposed materials and surface finish. The condition stipulates that the drawing shall be submitted to the planning authority,



for written agreement and that the footway be implemented prior to the completion of the development.

7.3.2. No express concerns are raised by the Transportation Planning Division Department or indeed the assessments of the Local Authority Planner in relation to, for example, traffic safety, visibility splays/ sightlines, construction traffic, or indeed the principle of a singular means of vehicular access to the appeal site via the existing access laneway. I note the specific comments of the Local Authority Planner in respect of the subject laneway where it is stated in the assessment that *'the applicant has made it very clear that the access arrangement to the various properties who currently access the laneway will remain unchanged, and have put in measures to ensure the works will be carried to protect the adjoining properties. This would seem reasonable.'*

7.3.3. The Appellant raises a number of specific traffic safety and traffic impact concerns, each of which are addressed under the headings set out below. As part of the appeal submission, the Appellant also refers to an observation submission lodged with the Local Authority under planning reg. ref. no. 4900/23. The said submission includes 2 no. sworn affidavits prepared by a Traffic Consultant, which were presented as part of the Judicial Review proceedings to which High Court Case ref. no. [2022] IEHC 83 refers. I note the Appellant's submission also includes separate Telraam Data for Crumlin Road between the dates 15<sup>th</sup> May 2023 and 13<sup>th</sup> November 2023.

7.3.4. The 2 no. sworn affidavits relate to a previous, separate and more traffic intensive mixed residential/ sporting facility development proposal on the subject lands, as planning reg. ref. no. 2724/19 and Appeal Ref. no. ABP-304792-19 refer (High Court Case ref. no. [2022] IEHC 83). The main issues raised in the 2 no. affidavits essentially relate to compliance with DMURS, pedestrian/ traffic conflicts, sightlines/ visibility splays at the Crumlin Road junction and ultimately traffic safety. I have had regard to the issues raised in both affidavits as part of this overall assessment and to the above referenced Telraam Data.

- Traffic Volumes/ Traffic Data

7.3.5. The Appellant considers that traffic volumes have significantly increased in recent years and that there is nothing to control such traffic volumes into the future. The Appellant contends the traffic data used from 2018 is outdated, that this is raised as

an issue in the Report from the Transportation Department, that counter data from the Applicant was not considered and that the assessment of the Local Authority is therefore flawed.

- 7.3.6. I note the existing Z9 (Amenity/ Open Space Lands/ Green Network) zoning of the lands and the established use of the subject appeal site as a sports club together with associated playing pitches. I note there are no additional pitches provided as a result of this redevelopment of the grounds. The existing lane has been in use to access the GAA Club and associated playing pitches since its foundation. It is clear there is no other means of vehicular access and that a former access from Rutland Avenue is understood to not have been in use in living memory. The principle of the use of the laneway as the sole means of vehicular access the Club is well established over a considerable length of time and in my view its continued use is acceptable into the future.
- 7.3.7. The Applicant submitted a Traffic and Transportation Assessment (TTA) prepared by the Project Consulting Engineers. Section 4.0 of the said Report relates to Existing and Proposed Traffic Conditions. Section 4.1 relates to a Traffic Survey for Junction 1 (Crumlin Road/ Site Access) which is taken from an 8-hour IDASO survey on 3 days in April and May 2018 (i.e. Saturday 14<sup>th</sup> April, Sunday 15<sup>th</sup> April and Sunday 20<sup>th</sup> April 2018). The results of the traffic survey are presented in Appendix A of the Report. The Applicant considers that the volume of traffic expected to be generated by the proposed development will remain consistent with the existing traffic generation on the site and states that *'annual growth rates were applied to the 2018 traffic flows to determine background traffic flows for the assessment years.'*
- 7.3.8. I note that although a number of comments are raised in the Report from the Transportation Planning Division in respect of the submitted TTA, it is stated that *'given the reduction in car parking and the management of car parking being proposed for the site, the division is willing to accept the TTA as submitted in this instance.'* I further note the specific recommendation of the Transport Planning Division relating to a revised Mobility Management Framework and the appointment of a Mobility Manager (see condition no. 3 e) of the notification of decision to Grant permission.
- 7.3.9. I note the Telraam Data to which the Appellant refers relates to the Crumlin Road fronting the site and does not specifically relate to the subject appeal site. As per the

daily overview graph presented in the Telraam Data, it appears the peak traffic count, i.e. for Friday 14<sup>th</sup> July 2023 is at 16.00 pm when a total number of 1,088 vehicles (59 no. two-wheelers, 755 no. cars and 274 no. heavy goods vehicles) were recorded on Crumlin Road. By comparison, figure 5-2 of the TTA, which relates to the 2018 second peak for the junction of the proposed development site and the Crumlin Road, indicates a greater number of vehicles, i.e. 1,378 vehicles. This appears to suggest that the later 2023 traffic survey data presented by the Appellant indicates a decrease in traffic volumes using the Crumlin Road. Notwithstanding, and as mentioned above, the Applicant points out in the TTA that annual growth rates were applied to the 2018 traffic flows. I am satisfied therefore that the traffic count data, as presented in the TTA is reliable.

7.3.10. I agree with the Local Authority that the TTA is acceptable in this instance having regard to the proposed reduction in car parking and the proposed future management of car parking at the subject appeal site. In the event of a Grant of permission being issued I recommend that a condition be attached in relation to a Mobility Management Framework and the appointment of a Mobility Manager.

- *Raised Kerb*

7.3.11. The Appellant considers that the proposed raised kerb shown on drawing no. 11354-2035P02 is a significant hazard for pedestrians and cyclists. I note this said drawing was submitted as part of the Applicants Response to Further Information. Section AA on this drawing shows existing concrete surfacing in the centre of carriageway and on the right side of the carriageway it shows proposed concrete surfacing to match existing with a raised kerb in the centre. The Transportation Division, as per the Report dated 6<sup>th</sup> March 2024 and with specific reference to the said Section A-A state that it shows the footway at the same level as the road and that this is not acceptable. I would agree with the assessment of Local Authority that the walkway should not be at the same level as the road. This, in my view, can be suitably addressed by way of condition where a grant of permission is being issued.

- *Swept Path Analysis*

7.3.12. The Appellant considers that the swept path analysis diagrams for bus and coach access are not viable or achievable. Drawing no. 11354-2091-P01 relates to swept

path analysis for mini and rigid bus. I would have no concerns in relation to access to the site for a minibus.

7.3.13. I note the assessment of the Transportation Division as per the 2 no. internal Reports dated 22<sup>nd</sup> January 2024 and 6<sup>th</sup> March 2024. Recommended condition no. 5 of the said reports refers to a requirement for the Construction Management Plan to show swept path analysis for construction type vehicles. No specific concern is raised in relation to swept path analysis for bus/ coach access. Similarly, no specific concern is raised in relation to this issue in the 2 no. Local Authority Planners Reports.

7.3.14. I note from the submitted plans that it is proposed to retain the existing vehicular access gate to the front of the access lane. The existing gate is estimated to be recessed c. 13 metres from the near edge of the public road (Crumlin Road) and is shown on the proposed access lane drawing (Dwg. 11354-2035, Rev. P02) to measure 3.165 metres in width. As per the submitted mini and rigid bus swept path analysis drawing no. 11354-2091, Rev. P01, the swept path analysis for a rigid bus is shown to conflict with this gate. A standard rigid bus is shown on this drawing to measure 2.55 metres in width, 12 metres in length and is estimated to measure 3 metres in height. Having regard to the location of the existing access gate, recessed c. 13 metres from the near edge of the public road, the width of the laneway at this location and the width of the existing gate, it would appear to me that despite the swept path being shown to conflict with the existing gate, there is sufficient space to successfully accommodate a rigid bus. Where the Board is not of the same opinion, a condition could be attached, where deemed necessary, to entirely remove, amend or relocate the said existing main site entrance/ access gate.

7.3.15. The issue for access to the site for larger vehicles is discussed in the 2 no. affidavits referenced in the Appellants submission to the Local Authority. A potential traffic safety issue is raised in a scenario where a larger vehicle such as a rigid bus is seeking to turn left on the access laneway from the Crumlin Road and cannot do so where there is a vehicle or a series of vehicles seeking to exit the laneway at the same time. I would again however point out that the said affidavits relate to a previous, separate and more traffic intensive mixed residential/ sporting facility development proposal on the subject lands, as planning reg. ref. no. 2724/19 and Appeal Ref. no. ABP-304792-19 refer (High Court Case ref. no. [2022] IEHC 83) and

that as per the submitted TTA, the anticipated traffic volumes expected to be generated by the proposed development will remain consistent with the existing traffic generation on the site. In addition, mobility management provisions, as proposed to be implemented by the Applicant, are intended to aid in the reduction of car trips for the site and promote more sustainable transport modes. I consider that such measures will serve to improve the current situation and reduce car dependency and therefore reduce the likelihood of the above scenario arising in relation to a potential traffic conflicts between existing and entering vehicles, I would also point out that the existing gate is set back 13 metres from the near edge of the public road and that a rigid bus is shown to measure 12 metres meaning such a vehicle can theoretically access the area to the front of the gate and not have to queue on the public road.

- 7.3.16. The submitted swept path analysis for a rigid bus shows such a vehicle entering and exiting Dolphin Park. The design of the inner gate however appears to restrict higher vehicles such as a rigid bus. In order to facilitate access for such a larger vehicle I consider this access gate should be fully accessible. Such an issue can be addressed by way of condition where a grant of permission is issued. Subject to this modification to the inner gate, I am satisfied that the site can be successfully accessed by a larger vehicle such as a rigid bus.

- Visibility Splays

- 7.3.17. The sole means of vehicular access to the existing and long established GAA club is via the existing laneway directly from Crumlin Road. The proposed development seeks to use the same entrance and laneway. The Applicant proposes to provide a delineated footpath along the side (northeastern) side of the laneway adjacent to the side of no. 57 Crumlin Road.
- 7.3.18. I note the Transportation Planning Division of the Local Authority raise no objection to the proposed development as presented, subject to conditions. The proposed site access has been appraised by the Local Authority as an existing entrance to the GAA Club as opposed to an entirely new entrance.
- 7.3.19. The Appellant considers the existing entrance to be a traffic hazard, that it is inadequate from a safety point of view and that it therefore represents a traffic safety

risk. In particular, the Appellant is concerned there is a lack of visibility splays at the junction of the access laneway with the Crumlin Road.

- 7.3.20. In response to the issue of visibility splays, the Applicant refers in their appeal response to Section 7.1 of the Traffic and Transportation Assessment (TTA) where it is stated that *'visibility splays of 2.4 x 49 metres are required at the proposed site access priority junction onto the Crumlin Road at the current posted speed limit of 50km/h in accordance with DMURS 2019 Guidelines. The proposed visibility splays of 2.4 X 49 metres are achievable to both the right hand and left hand splay.'* I can find no drawing attached to the file which shows such existing and/ or proposed visibility splays in support of this statement.
- 7.3.21. Based on my site inspection, a visibility splay of 2.4 X 49 metres (taken from a 2.4 metres setback from the near edge of the carriageway) would not appear to be available to the right (northeast) without the removal and set back, as a minimum, of the existing corner pier on the party boundary wall with no. 57 Crumlin Road. A sightline with a reduced X distance of 2.0 metres (i.e. 2.0 X 49 metres taken from a 2.0 metre set back from the near edge of the carriageway) would appear to be achievable to the right without removing or setting back the said pier.
- 7.3.22. A 2.4 X 49 metre sightline to the left (southwest) would similarly, in my opinion, not be achievable as it is significantly impeded by the northernmost pier of no. 59 Crumlin Road in addition to an existing utility pole. A clear sightline with a reduced X distance of 2.0 metres (i.e. 2.0 X 49 metres) would similarly not appear to be achievable to the left without removing or setting back, the said utility pole as a minimum. A sightline of 2.0 X 49 metres would however appear to be achievable to the outer edge of the bus lane.
- 7.3.23. Notwithstanding the above, the Local Authority has accepted the principle of the proposed development on the subject lands. The Applicant proposes a reduction in car parking and the TTA, which has been accepted by the Local Authority, considers that the volume of traffic expected to be generated by the proposed development will remain consistent with the existing traffic generation on the site.
- 7.3.24. I have no reason to dispute the findings of the TTA that the anticipated future traffic volumes are likely to remain consistent with the existing traffic generation on the subject appeal site. In my view therefore and based on the above, there is unlikely to

be any significant increase in future traffic volumes at the subject appeal site. I again note the existing Z9 zoning of the lands, the established use of the subject appeal site as a sports club with 2 no. playing pitches and that there are no additional pitches provided as a result of this redevelopment of the grounds. As there is no anticipated significant intensification in traffic movements to and from the site, I am satisfied that both the existing site access and by extension the existing sight visibility arrangements are acceptable.

- Active Travel

7.3.25. The Appellant considers the proposals are not in line with the City's active travel plan and that there are insufficient cycle and cargo bike spaces provided. I note condition no. 3 d) of the Notification of Decision to Grant permission relates to cycle parking and stipulates that a minimum of 100 no. cycle spaces, including 3 no. cargo bike spaces be provided. The issue of cycle parking is raised in the Transportation Division Report and the Local Authority Planners Report.

7.3.26. I note Bicycle Parking Standards for Various Land Uses are set out in Table 1 of Appendix 5 of the Development Plan. The recommended cycle parking rate for a Clubhouse/ Gymnasium in all zones is 1 per 5 staff and 1 per 50 sqm GFA. An additional category relating to Courts/ Pitches recommends a rate of 1 per 5 staff and 4 per Pitch or Court. Section 8.2.2 of the TTA relates to Cyclists. In table 8-1 the Applicant have based their calculations under the land use category of Civic, Community and Religious uses. There are however separate specific categories for Enterprise and Employment uses which includes both Clubhouse/ Gymnasium at a rate of 1 space per 5 staff and 1 space per 50 sqm GFA and Courts/ Pitches at a rate of 1 space per 5 staff and 4 per Pitch/ Court. The proposed new replacement clubhouse which has a stated floor area 745 sqm together with the existing 2 no. pitches generates a demand for 23 cycles spaces. The provision of 100 normal cycle spaces, including 3 cargo bike spaces, as proposed by the Applicant would mean there would be an additional 77 spaces to cater for at least 15 staff or club members/ visitors as the case may be.

7.3.27. I agree with the Transportation Division that the proposed quantum of cycle parking and cargo bike parking spaces is acceptable to cater from the proposed development. I am satisfied that the quantum of cycle parking proposed satisfies and

indeed exceeds the development plan standards as set out in Table 1 of Appendix 5 of the Development Plan.

- Construction Traffic

7.3.28. Section 8.10 of the TTA relates to Development Construction Phase. A comprehensive Traffic Management Plan is proposed to be prepared for the Construction Phase of the proposed development. I further note that the application is accompanied by a Construction and Environmental Management Plan (CEMP) and that Section 3.4 of same specifically relates to the issue of Construction Traffic. In addition, I note Condition no. 9 of the Notification of Decision to Grant permission relates to the submission of a Construction and Demolition Management Plan prior to the commencement of development and that this issue includes specific reference to the management of construction traffic. I am satisfied that construction traffic arising as a result of the proposed development can be successfully managed and can be suitably addressed by way of condition in the event of a Grant of permission being issued.

- Alternative Entrance via Rutland Avenue

7.3.29. The Appellant considers that the use of an entrance to the lands from Rutland Avenue, as an alternative entrance/ emergency exit to the subject appeal site, was not given due consideration as part of the Local Authority assessment and that its potential use should be investigated by means of a feasibility study.

7.3.30. I note the Local Authority Transportation Planning Division and the Local Authority Planner refer to an historic access point at Rutland Avenue and that there is no living memory of this access being in use. As the Applicant does not propose to utilise this historic access and as the existing main site entrance was deemed to have been acceptable on traffic safety grounds, the said historic access onto Rutland Avenue was not appraised by the Local Authority.

7.3.31. I note the Applicant's Response to this specific point where the potential for such an option is ruled out on a number of grounds including its current use as a public space, the upkeep and maintenance of same by the local community, the current configuration and status of Rutland Avenue as a residential road, the insufficient scale and width of the laneway to accommodate anticipated traffic movements, the nature of ad hoc parking in the area impacting on the available carriageway width



and sightlines, the need for an internal road network, the land take for same and the resultant impact this would have in terms of developable site area for pitches and training areas thereby reducing ex situ areas for wintering bird species and impacting local residents.

7.3.32. It is understood that this former second entrance, although not currently in use, was once the original entrance to the same sports fields and that what is now the main entrance to Dolphin Park from the Crumlin Road was previously in use as an access to a Dairy Farm in private ownership.

7.3.33. I estimate the minimum width of the former entrance laneway at this location to be c. 6 metres. This is sufficient to accommodate a Local Street with a shared surface carriageway of 4.8 metres, (see Figure 4.55: (Carriageway Widths) of DMURS, 2019) and a 1.2 metre wide footpath. Owing to the design speed of the adjacent residential estate road (understood to be 30 kph), sightlines of 2.4 X 23 metres in both directions would be required from such a proposed new entrance onto Rutland Avenue, as per recommended Stopping Sight Distances (SSD) set out in Table 4.2 of DMURS. I agree with the Applicant that the current configuration and status of Rutland Avenue as a residential estate road, where ad hoc parking historically takes place in front of residences, would impact on the availability of appropriate sightlines. Such a proposal would also result in the loss of a community garden for the area. It is my opinion therefore that this historic entrance does not appear to be readily suitable to accommodate the type and scale of vehicular traffic movements to and from the subject appeal site to an acceptable modern standard. A future pedestrian and cycle access to the subject appeal site could potentially be explored by the Applicant. Such a proposal would serve to enhance site permeability but may also result in presenting other issues such as the management of same and future site security. The provision of such a potential future access is, in my view, not essential to the assessment/ consideration of the subject proposals as presented.

7.3.34. It is noted that under the previous application on the subject lands it was proposed to provide 1 no. dwelling positioned between house no's 56 and 58 Rutland Avenue with direct domestic vehicular access onto Rutland Avenue, as planning reg. ref. no. 2724/19 (Appeal Ref. no. ABP-304792-19) refers. As part of its decision to Grant permission, the Board accepted the principle of a new dwelling at this location together with a new direct vehicular access to same via Rutland Avenue, albeit for

single domestic purposes. However, as noted further above, this said decision was quashed on 25<sup>th</sup> February 2022 under Judicial Review to the High Court (Ref. [2022] IEHC 83).

7.3.35. In my view, the argument proposed by the Appellant for a direct means of vehicular access to the lands from Rutland Avenue is not directly comparable to the above scenario which was for access to a single dwelling with significantly lower traffic volumes. I can find no precedent planning case pertaining to the lands for the principle of a direct vehicular access to the subject appeal site from Rutland Avenue.

In my opinion a new entrance/ access to the site via Rutland Avenue does not represent a viable, or indeed realistic, alternative means of vehicular access to the subject appeal site.

#### 7.4. Bird Surveys

7.4.1. As set out in Table 7 of the Applicants' Ecological Note, a total of 350 no. individual Light Bellied Brent Geese were recorded on site on 9<sup>th</sup> February 2023 during the 2022 to 2023 Winter Bird Surveys. In the same Ecological Note, as set out in Table 3, a maximum number of 1,008 individual Light Bellied Brent Geese were recorded on 19<sup>th</sup> December 2019. In its assessment the Local Authority clearly acknowledge that additional wintering bird surveys were carried out between October 2022 and March 2023 and that the relevant survey results are contained in Section 4.2 of the Natura Impact Statement. In my opinion, the Local Authority has referenced all relevant surveys and has acknowledged the maximum number of recorded individual Light Bellied Brent Geese on the site, as per the survey results from 19<sup>th</sup> December 2019. The Applicant clearly acknowledges in table 7 of the Ecology Note and in relation to the survey carried out on 9<sup>th</sup> February 2023 where a total of 350 no. individual Light Bellied Brent Geese were recorded that '*brent geese flushed on arrival having been feeding on the pitch*'. Notwithstanding any such flushing effects, the data is sufficient to establish that the site is of importance as an ex-situ foraging or roosting site for Qualifying Interests of the SPA's in Dublin Bay. In my opinion, the Local Authority had at the time of its decision, up to date and reliable information in relation to the Light Bellied Brent Geese at the site. I do not accept, as stated by the Appellant, that the reason for adopting the 2019 survey is because the 2022/ 2023 study was deemed by the Local Authority to be unreliable. Please see Section 8.0 below in relation to Appropriate Assessment.

## 7.5. Ecological Impacts

7.5.1. I note the Application is accompanied by an Ecological Note prepared by the Project Ecologists. The findings of the Wintering Bird Surveys are discussed above.

- *Invasive Species*

7.5.2. Although some invasive flora were discovered on the site (6 no. in total), none are listed on Schedule III of the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011, as amended). The Applicant considers the potential for significant impacts resulting from the spread of the 5 no. of the identified 6 no. invasive flora species, which are designated as Medium Impact Invasive Species (namely, Butterfly-bush, Russian-vine, Sycamore, Virginia Creeper, Traveller's-joy and Wall Cotoneaster) within the site and offsite cannot be excluded. A number of mitigation/ enhancement measures in relation to Habitats and Invasive Species during the Construction Phase are presented in Section 5.1.1 of the Ecology Note. In relation to existing on site invasive flora at the site the physical and/ or chemical treatment of the site, following best practice measures, as outlined in TII (2020a, 2020b) is recommended. A number of standard best practice measures to avoid the introduction of invasive species to the proposed development site are also recommended in the accompanying Construction and Environmental Management Plan (CEMP). In the event of a Grant of Permission being issued a condition should be attached relating to the implementation of all mitigation and monitoring measures as set out in the Ecology Note. This includes specific mitigation measures relating to invasive species.

- *Mammals and Local Birds*

7.5.3. The value of the site for non-volant mammals is stated to be limited. The presence of a fox scent was encountered, as well the potential for hedgehog nesting habitat in the form of leaf litter at the base of the beech hedgerow. Hedgerows are stated to be provide suitable community and foraging habitat for small mammals. Some small bird species (5 no. in total) were encountered on the site during the survey carried out in August 2022. Two of these Bird Species, i.e. Herring Gull and Swallow are noted to have an Amber Conservation status as per the Birds of Conservation Concern in Ireland (BoCCI) status. The Applicant considers there will be no

significant direct habitat loss for local mammals or local bird populations as a result of the proposed development.

- 7.5.4. During the construction phase, the Applicant proposes to employ best practice measures to mitigate potential negative impacts on small mammal species who potentially use the site. These include the control of rubbish on the site to a designated area and raising of same up off the ground to facilitate the free movement of hedgehogs, if required. The Applicant states that other measures to avoid disturbance to hedgehogs during their hibernation period, such as the removal of leaf litter, will ideally not take place between November and March unless an ecologist confirms otherwise. Proposed mitigation measures during the construction phase are stated to include the careful removal of potentially suitable hibernation and nest sites comprising vegetation, dead wood and leaves, to another part of the site where they would not be affected, the placement of woody debris from the clearance of vegetation areas in this area as a compensatory hedgehog habitat, the removal of vegetation in sections in the same direction in order to avoid the entrapment of hedgehogs and other protected fauna which may be present, the use of heras fencing to protect hedgerows proposed to be retained in order to minimise the potential for disturbance and to prevent site creep (the slow movement of works towards the direction of the ecological feature requiring protection). In the event of a Grant of Permission being issued a condition should be attached relating to the implementation of all mitigation and monitoring measures as set out in the Ecology Note. This includes specific mitigation and monitoring measures relating to small non-volant mammals and breeding birds.

- *Bat Species*

- 7.5.5. It is stated that no dedicated bat activity or emergence surveys were carried out at the site in 2022, that it was assumed that bats may use the site and, in particular, the site boundaries for commuting or foraging. During the walkover survey carried out in August 2022, the clubhouse building was assessed as having a *Negligible-Low* suitability for roosting bats.
- 7.5.6. In 2023 an updated assessment of bat activity was undertaken, including 3 no. bat activity surveys (April, August and September). The findings of the bat activity surveys are presented in Table 8. The surveys demonstrate that the lands at Dolphin Park provide valuable commuting and foraging habitat for the local bat population. I

note that no bat species were recorded at the Clubhouse Building during the 3 no. Surveys. The Applicant considers there will be no significant direct habitat loss for local bat populations as a result of the proposed development.

- 7.5.7. The Applicant notes that although the clubhouse was deemed to be of Negligible roosting potential, having regard to the precautionary principle and owing to the amount of time which has elapsed since the initial assessment, it is recommended that a full roost survey be carried out prior to any proposed demolition works. In the event where evidence of roosting bats is discovered, no works can take place prior to the receipt of a derogation license from the National Parks and Wildlife Service (NPWS). Where it is anticipated that bat roosting habitat will be compromised as a result of the proposed development and where deemed appropriate by a suitably qualified ecologist, suitable compensation in the form of, for example, bat boxes/ bat bricks will be required to be introduced into the project design.
- 7.5.8. In order to protect bats and other nocturnal fauna, the Applicant states there will be no light spill onto suitable bat commuting, foraging or roosting habitats. When selecting the proposed luminaries, the Applicant refers to and includes extracts from the latest BCT Lighting guidelines (BCT, 2018) and states that external lighting will strictly follow said guidelines during the Construction Phase.
- 7.5.9. Section 5.2 of the Ecology Note relates to Operational Phase Mitigation. Section 5.2.2 relates to Bats where potential impacts arising from the proposed site lighting are discussed. Table 8 relates to bat activity, sunset times and hours of operation. The proposed hours of operation of the sports floodlighting is stated to be from 9 am to 10pm Monday to Sunday. The months of April to mid-May and August to September inclusive are identified as the main months when bat activity may be affected by floodlighting. As the given activity on the site is dominated by adaptable and light tolerant bat species, i.e. Soprano Pipistrelle and Common Pipistrelle bats, the Applicant anticipates that the residual impact on local bats is expected to be negative, long-term and slight. I note the specific mitigation and enhancement measures presented in Section 5.1.5 of the Ecology Note which specifically relate to bat species.
- 7.5.10. The Parks Department Report recommend the attachment of a specific condition in relation to Bat Conservation, see condition no. 7 of the Notification of Decision to Grant permission which is subdivided into 4 no. main parts. Sub part a) is concerned

with the design, format and location of the proposed lighting measures and potential impacts upon commuting and foraging bats and nesting birds, part b) relates to the hours of operation of said lighting, part c) is concerned with a bat and bird monitoring survey post installation of the sports lighting/ potential impacts upon bats and nesting birds and the submission of said post monitoring report and mitigation measures to the Local Authority Parks Department for review and part d) relates to a post monitoring bat survey at the appropriate time of the year to see whether the screening mitigation is effective, or whether further screening is necessitated. I have compared the aforementioned mitigation measures set out in section 5.1.5 of the Ecology Note to those measures set out in condition 7 of the Local Authority Notification of Decision to Grant permission. I consider the said condition to be more site specific and bespoke to the mitigation measures proposed by the Applicant in the Ecology Note and I consider this condition, or similar, should be attached in event of a Grant of permission being issued.

7.5.11. In addition, a pre-demolition bat survey condition should also be included owing to the potential for roosting bat species at the existing clubhouse.

7.5.12. I consider the Ecology note provides a fair and accurate appraisal of the existing site and the potential ecological impacts which may arise during the construction and operational phases.

## 7.6. Design and Layout

- Demolition of Clubhouse

7.6.1. The existing single storey flat roof clubhouse has a stated floor area of 190 sqm and measures 19.9 metres in length, by 12.0 metres in width by 4.0 metres in height. The building is of a simple concrete block wall construction. It is proposed to demolish and remove the existing clubhouse and associated hardstanding area as shown on the proposed demolition layout drawing no. 11354-2004, Rev. P01.

7.6.2. The existing clubhouse is not built to a modern standard, is in a poor state of repair and, in my opinion, is unlikely to be fit for current purposes. The scale of the proposed demolition, together with the scale of the proposed new replacement clubhouse and associated site development works and installations, do not, in my opinion, represent substantial demolition and construction works. I note Section 15.7 of the Development Plan which relates to Climate Action. Section 15.7.1 of the Plan

relates to Re-use of Existing Buildings. I do not consider the relatively modest scale of the proposed demolition works are such that they warrant a demolition justification report, as described in Section 15.7.1. Such a report would *‘set out the rationale for demolition having regard to the ‘embodied carbon’ of existing structures and would demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.’* I therefore have no objection in principle to the demolition and removal works, as presented.

- New Clubhouse

7.6.3. The proposed new clubhouse building is proposed to be located c. 19 metres further to the southeast of the existing clubhouse, has a stated floor area of 745 sqm, measures 34.4 metres in length, 13.2 metres in width and 9.4 metres in height and is proposed to be orientated on a general southwest to northeast axis.

7.6.4. The ground floor of the proposed new clubhouse primarily includes changing rooms, showers, toilets and storage. The first floor area includes a gym, a video analysis/multifunction room, toilets, a mixed use space, a kitchen and a southeast facing terrace. It is also proposed to provide 11 no. solar panels on the southeastern facing roof plane of the new clubhouse, a digital scoreboard on the southeast elevation and club logos (signage) on the northwest and southwest elevations. The external walls of the proposed Clubhouse Building are indicated to have a select render, stone, metal cladding or similar approved finish. The A Gabled roof is indicated to have a slate or tile or metal deck in selected colour or similar.

- Shed

7.6.5. The proposals include a standalone single storey/ low pitched roof shed building located to the immediate west of the proposed new clubhouse. The shed has a stated floor area of 195 sqm and measures 24 metres in length, 8 metres in width and 4.65 metres in height. The building is proposed to have a low pitched roof and an external non-drip vertical metal cladding finish (slate in colour). It is proposed to utilise the shed as a gym which will be changed to maintenance and storage use upon the completion of the clubhouse which will have a dedicated gym space.

- Works to Pitch no. 1 and associated installations

7.6.6. The proposed works to Pitch no. 1 include the following:

- Realignment and resurfacing of northern Senior Pitch no. 1. This involves the relocation of the existing pitch slightly to the east from the existing western boundary of the site.
- The installation of a new 990 mm high post and rail (metal) spectator railing along the western and northern sides of the newly repositioned/ realigned pitch no. 1.
- New Ball stop netting (2 no. nets in total) at the respective northern and southern ends of pitch no. 1 behind the goals. The ball stop netting is shown to measure 12 metres in height and 47 metres in length and is proposed to be supported by 5 no. galvanised poles. The infill net is proposed to be retracted to the posts and only used during training and matches. The nets are shown to be supported on either side by high tensile multicore stainless steel wires.
- The installation of 8 no. new floodlights ranging in height from 18 to 20 metres with 4 no. on each side (east and west) of Senior Pitch no. 1.
- Additional Works and Installations to the remainder of the site

7.6.7. The proposed additional new installations at the subject site include the following:

- 61 No. car parking spaces (including mobility impaired (5 no.) and EV charging spaces (8 no.));
- Coach parking (2 no. spaces) and mini bus parking (2 no. spaces) all at the northwest of the site close to the main site entrance;
- 103 No. cycle parking spaces (including 3 no. cargo cycle spaces);
- A Generator. A Generator area/ location is shown along the northern site boundary.
- Public lighting around the clubhouse, parking and circulation areas; and
- Hard and soft landscaping;
- All associated site and development works above and below ground.



- Potential Impacts of the proposed Construction Works/ Operational Phase

- 7.6.8. The application is accompanied by a Construction and Environmental Management Plan (CEMP) prepared by the Project Environmental Consultants. Section 6.0 of the CEMP relates to Environmental Impacts and Controls with Potential Impacts set out in Section 6.1. Specific Implementation and Control Measures in relation to each of the identified potential impacts are set out in Section 6.4 and include Biodiversity (Protection of Small Mammals, Protection of Bats, Protection of Breeding Birds, Protection of Wintering Birds, Timing of Vegetation Clearance, Biosecurity), Land, Soil and Geology (Control of Excavated Soil and Contaminated Soil), Hydrology and Hydrogeology (Control of Fuel and Chemical Storage, Control of Emissions to Surface Water and Drainage, Control of Emissions to Soil and Groundwater, Foul Water Drainage), Air Quality and Climate (Dust), Noise and Vibration (Noise, Vibration and Monitoring of Noise and Vibration), Archaeology and Cultural Heritage (Monitoring), Material Assets: Waste, Utilities and Traffic (Control of Traffic, Control of Waste and Waste Management). Section 7.0 is concerned with Site Tidiness and Housekeeping, Section 8.0 Emergency Planning and Response and Section 9.0 Environmental Regulatory Requirements. A Conclusion is set out in Section 10 of the CEMP.
- 7.6.9. Section 6.4.5 of the submitted CEMP relates to Noise and Vibration during the Construction Phase. I note the proposed measures include the application of best available technology and compliance with relevant Health and Safety requirements and Codes of Practice. In table 3 the applicant sets out standard Construction Noise Limits as per the '*Guidelines for the Treatment of Noise and Vibration in National Road Schemes*', Transport Infrastructure Ireland (TII) Guidelines Document, 2004. It is proposed to employ a monitoring programme in order to ensure that site activities and noise levels generated as a result of the proposed construction works serve to ensure impacts to nearby noise sensitive locations and residential properties are not significant.
- 7.6.10. A number of best practice noise control measures are proposed in accordance with BS 5228 (2009 +A1 2014) Code of Practice for Noise and Vibration Control on construction and Open Sites Parts 1 and 2. These include the selection of Quiet Plant, Noise Control at Source, Noise Screening, Liaison with the Public and the adoption of an appropriate Project Programme to control the extent of noise and

vibration at noise sensitive areas at times of greatest sensitivity. The phasing of the working programme is proposed to be employed to ensure that cumulative construction noise limits are not exceeded.

7.6.11. It is proposed to provide a total of 8 no. new floodlights around Senior Pitch no.1 when realigned. As shown on proposed sports lighting drawing (Drg. No. E104) there are 4 no. new sports lights positioned on either side of the pitch (8 no. in total), comprising 4 no. type A (20 metres in height with 7 no. LED Luminaires at the top) and 4 no. A1 type (20 metres in height with 5 no. LED Luminaires at the top). In addition, it is proposed to provide 7 no. D type lighting columns (8 metres in height with 1 no. Luminarie at the top), 4 no. D1 type (8 metres in height with 1 no. Luminarie at the top) and 2 no. D2 type (8 metres in height with 2 no. LED Luminaires back to back) at the proposed club house car park and along the proposed access laneway. Additional wall mounted lighting is proposed on each of the respective clubhouse elevations. The proposed sports lights are stated to have been designed in accordance with CIBSE Guide LG4 and have been configured to adhere to typical curfew arrangements as identified by the Local Authority. Spill lighting levels are stated to have been identified as worst case scenario and obtrusive light spill is proposed to be mitigated for with the proposed use of louvres. The applicant indicates that in all cases light trespass is lower than 10Lux which accords with Environmental Zone E3 (Urban Locations) as per recommendations contained in SLL Guide to Obtrusive Light, the ILE Guidance notes on the reduction of obtrusive light and CIE 150 Guide on the Limitation of the effects of Obstructive Light from Outdoor Lighting Installations.

7.6.12. I note the pitch itself and the proposed sports lighting are removed from nearby residential properties on Rutland Avenue to the east, Crumlin Road to the north and Clogher Road to the south. I have no objection in principle to the proposed sports lighting, car park, access laneway and wall lighting to the exterior of new clubhouse.

7.6.13. In the event of a Grant of Permission being issued, I consider the final details of the CEMP should be agreed with the Local Authority prior to the commencement of development and that a condition to this effect should be attached. Operational noise levels can be controlled by way of an operational noise condition and the Sports Lighting can be suitably controlled by means on a standard floodlighting condition. I note, as discussed further above in Section 7.5 Ecological Impacts and with specific

regard to Bat Species, that condition 7, subparts a) and b) of the Notification of Decision to Grant permission, which is informed by the Parks Department Report, are concerned with the potential impacts of the proposed sports lighting upon Bat Species. I consider such measures to be fair and reasonable in the circumstances and, as mentioned, these should be attached in the event of a Grant of permission being issued.

- Conclusion in relation to Design and Layout

7.6.14. I am satisfied that the proposed design, siting and layout of the proposed new clubhouse, shed and associated installations and site works are acceptable in principle.

7.6.15. I note the Parks Division recommended the omission of the southern ball stop netting proposed to be installed to the rear of the southern goals of Senior Pitch no. 1. The Local Authority Planner agreed with this recommendation. Condition no. 5 a) of the Local Authority Notification of Decision to Grant permission however specifically refers to the ball stop netting to be deployed on the ends of the senior pitch only and the management of same. The Local Authority therefore, in my opinion, has accepted the principle of the proposed ball stop netting on the two ends of the senior pitch. I consider the proposed ball stop netting can be installed at both ends of the senior pitch and that the management of same can be controlled by way of condition in the event of a grant of permission being issued.

7.7. Other Matters

- Unauthorised Development

7.7.1. Reference is made in the appeal to alleged unauthorised development at the subject appeal site. In particular, the Appellant refers to physical alterations to the lane by the applicant including signage over the main gate stated to be installed in 2019, signage on the verge of the main access route and CCTV cameras in the lane.

7.7.2. At the time of my site inspection, I noted the said signage over the main entrance and a CCTV camera installed at the second entrance further up the lane as shown in the Appellants Appeal submission. I did not see any signage in the verge as per the Appellants submission.

- 7.7.3. I note available online street imagery from 2009 shows signage similar to that currently installed over the main entrance. It is unclear how long this said signage had been in place prior to 2009. Such signage does not form part of this application/appeal proposal.
- 7.7.4. I note the CCTV has been installed on a private laneway and is not, in my view, located in a public place.
- 7.7.5. The Local Authority Planners Reports make no reference to any current enforcement action relating to the subject appeal site. I consider therefore that there are no outstanding enforcement issues associated with the subject appeal site. Compliance with planning permission falls within the remit of the Local Authority, is not a function of the Board and is therefore not addressed further in this assessment.
- 7.7.6. Under the heading of unauthorised development, the Appellant refers to an incident where the entrance to the subject appeal site was previously and temporarily blocked by a vehicle. It is not a function of the Board to control the parking of vehicles fronting the site and this issue is therefore not addressed further in this assessment.
- Adjacent Planning Reg. Ref. No. 4062/18
- 7.7.7. The Appellant refers to planning reg. ref. no. 4062/18 which relates to a permitted clinic on the adjacent site to the immediate north of the inner roller gate of the subject appeal site and contained within what was part of the original rear garden of no. 57 Crumlin Road. The Appellant claims the GAA Club has not honoured a commitment made in that permission to provide car parking on its lands for that said development.
- 7.7.8. I note condition no. 4 of planning reg. ref. no. 4062/18, as quoted above in Section 4.2 of this Report, is a prior to commencement condition presented in 7 no. sub parts. This said condition places certain responsibilities on the Applicant in that case as well as the Applicant in this subject appeal particularly in relation to access and the provision of 2 no. car parking spaces on the Clubs grounds during hours of operation. There is no indication on the online planning register, in respect of planning reg. ref. no. 4062/18, that this said prior to commencement condition has been complied with and in the absence of same it would appear that there has been no agreement reached in respect of the matters raised. The Applicants Appeal

Response does not serve to provide much clarity in this regard except to say that the access to no. 57 will not be restricted and that residents and clients will benefit from an improved walking route along the laneway and that the Applicant is willing to accept a condition to agree a revised laneway drawing with the Local Authority which includes the new location of the access to the side of no. 57 and the position of the single-storey structure to its rear.

- 7.7.9. I note however that condition no. 3 of planning reg. ref. no. 4062/18 restricts the duration of that permission to a limited period of three years from the date of the grant of permission and that from that date the permission shall cease and the approved use shall cease unless a further permission has been granted before the expiry of that date. A Final Grant was issued on planning reg. ref. no. 4062/18 on 27<sup>th</sup> June 2019. This means the relevant date of expiry of the said three year period from that date would have been 26<sup>th</sup> June 2022.
- 7.7.10. I can find no record on the online planning register to indicate that a subsequent planning application has been made on foot of condition no. 3 of planning reg. ref. no. 4062/18. In the absence of same it would appear the duration of planning reg. ref. no. 4062/18 has lapsed and that the said permission has ceased to have effect. Where this is the case and where no planning permission is in place for the existing facility permitted under planning reg. ref. no. 4062/18, it would appear the requirements of condition no. 4 are no longer relevant as the said permission would have lapsed.
- 7.7.11. In my view, in the event of a Grant of permission being issued, existing pedestrian access arrangements to both the front and rear of no. 57 Crumlin Road can be suitably accommodated. A prior to commencement condition to this effect should be attached.

- Parks Department

- 7.7.12. I note the Report from the Parks Department which includes a recommendation to Grant permission subject to 5 no. conditions relating to a Landscape Scheme, Conservation of Birds, Invasive Alien Species, Conservation of Bats and Biodiversity Mitigation/ Monitoring and Enhancement. The said recommended conditions have been transposed into the Local Authority Notification of Decision to Grant permission, see condition no's 4 (Landscaping Scheme), Condition no. 5 (a) Control

of Ball Stop Netting, b) Appointment of Project Ecologist and c) Timing of Site Clearance Works)), Condition no. 6 (Appointment of an Ecologist prior to ground works taking place in order to carry out a survey of Invasive Alien Species), Condition no. 7 (a) Control of Sports Lighting, b) hours of operation of said lighting, c) a bat and bird monitoring survey post installation of the sports lighting/ potential impacts upon bats and nesting birds and the submission of said post monitoring report and mitigation measures to the Local Authority Parks Department for review and d) a post monitoring bat survey at the appropriate time of the year to see whether the screening mitigation is effective, or whether further screening is necessitated and Condition no. 8 Mitigation and Monitoring to be carried out in accordance with the submitted NIS, Ecology Note and CEMP, with written notification of their commencement to be submitted to the Planning Authority.

- 7.7.13. I note the Condition no. 4 (Landscaping) of the Local Authority Notification of decision to Grant permission. I consider a standard Landscaping Condition ius appropriate in the event of a Grant of permission being issued.
- 7.7.14. Condition no. 5 of the Local Authority Notification of Decision to Grant permission relates to additional controls and mitigations in relation to wintering birds. I consider this condition and the additional measures imposed under subparts a), b) and c) to be unnecessary having regard to the suite of mitigation measures proposed in the Natura Impact Statement (NIS) submitted as part of the planning documentation.
- 7.7.15. Condition no. 6 of the Local Authority Notification of Decision to Grant Permission is concerned with Invasive Species and includes the appointment of an Ecologist prior to ground works taking place in order to carry out a survey of Invasive Alien Species and the reporting of same to the NPWS in the event of such Invasive Species being found. I consider the attachment of this condition to be unnecessary having regard to the findings of the Applicants' Invasive Species Survey and the mitigation measures presented in Section 5.1.1 of the Ecology Note.
- 7.7.16. As discussed further above in Section 7.5 (Ecology Impacts), it is my opinion that Condition no. 7 of the Local Authority Notification of Decision to Grant permission need not be attached in the event of a Grant of permission being issued.

- Site Services

- 7.7.17. There is an existing 9 inch cast iron watermain along the Crumlin road. The Applicant proposes to connect the site to this said existing watermain via a new 100 mm internal diameter HDPE watermain. It is proposed that a new 25 mm internal diameter pipe will connect to this said new 100 mm pipe within the public realm and that this will then service the proposed new clubhouse building. In addition, it is also proposed to install a bulk metre at the entrance to the subject appeal site and to provide a hydrant within the new car park. The 25 mm diameter watermain connection is proposed to be fitted with a boundary box at the entrance to the subject appeal site. The final watermain design will be agreed with Uisce Eireann as part of the connection application. The Applicant assumes that there is still capacity for the proposed water connection proposal. This is on the basis of a previous Pre-Connection Application made to Irish Water under planning reg. ref. no. 2724/19 (Appeal Ref. No. ABP-304792-19) which was for a much larger mixed residential/sports development. This said previous Pre-Connection Application confirmed there was capacity within the system for that proposed development. On receipt of planning permission, the Applicant intends to make a new Connection Application to Uisce Eireann for the proposed development. A copy of the previous Irish Water (Uisce Eireann) letter is attached as Appendix B of the Applicants' Engineering Services Report. I consider the applicants proposals, in terms of water supply, to be acceptable in principle. I note that any future water supply connections will be the subject of a new Connection Agreement with Uisce Eireann.
- 7.7.18. The applicant indicates in Section 3.0 of the Engineering Services Report, lodged as part of the planning application documentation, that records from Irish Water (Uisce Eireann) indicate there is an existing 300 mm diameter foul sewer pipe located in Crumlin Road. The Applicant proposes to discharge wastewater generated as a result of the proposed development to this said existing foul/ wastewater sewer pipe via a new 150 mm diameter gravity pipe. The Applicant states that the proposed wastewater layout has been designed in accordance with Irish Water (Uisce Eireann) latest code of practice and standard details. The proposed design will be subject to the approval of Uisce Eireann following the lodgement of a post decision Connection Application. Under planning reg. ref. no. 2724/19 (Appeal Ref. no. ABP-304792-19) a Pre-Connection Application was made to Irish Water (Uisce Eireann) for a much

larger mixed residential/ sports development. This said previous Pre-Connection Application confirmed there was capacity within the system for that proposed development. Owing to the scale of the current proposals, the applicant assumes there is still capacity within the system. On receipt of planning permission, the Applicant intends to make a new Connection Application to Uisce Eireann for the proposed development. A copy of the previous Irish Water (Uisce Eireann) letter is attached as Appendix B of the Applicants' Engineering Services Report. I consider the applicants proposals, in terms of wastewater infrastructure, to be acceptable in principle, any future connections to existing wastewater infrastructure will be the subject of a new Connection Agreement with Uisce Eireann.

7.7.19. The issue of a potential hydrological link between the subject site and a number of European Sites via the wastewater network arose as part of the Appropriate Assessment. Foul water discharges, as a result of the use of the new clubhouse are not anticipated to be significant. It is considered therefore that there is no real likelihood of significant effects arising during the operational phase of the proposed development, as a result of increased loading of foul waters on Ringsend WwTP.

7.7.20. There is an existing 940 mm surface water sewer which traverses the subject appeal site from southwest to northeast and falls in an eastern direction, see figure 3.1 of the Applicants' Engineering Services Report. Section 4.2 of the Applicants' Engineering Services Report includes a number of Key Design Principles to be employed in terms of Surface Water drainage, as follows:

- 1. The flow from the development to the existing surface water Infrastructure is designed to equal the natural greenfield runoff in accordance with the GDSDS and sustainable drainage best practice.*
- 2. There are no additional or increased flows for the developed site compared to the existing greenfield condition.*
- 3. The site will have an Attenuation Area designed to store volumes from the 30 year and 100-year storm events on site in accordance with SuDs best practice. (As space is limited, the volume of water from the storm events will be stored in underground tanks).*
- 4. The design of the attenuation system includes an allowance for 20% climate change.*



- 7.7.21. Section 4.3 of the Applicants' Engineering Services Report sets out the Applicants' overall Proposal in terms of Surface Water drainage. As part of the Sustainable Urban Drainage Systems (SuDs) features, attenuated water is proposed to discharge to the existing 940 mm diameter pipe within the subject site. As per the Proposed Drainage Layout Drawing, Ref. No. 11354-2010 (Rev. P01), it is proposed to install an underground attenuation tank of 296 sqm in area and with a storage volume of 202 cu.m. Other SuDs measures proposed to be utilised include permeable paving, dry swale/ bioretention areas (see aforementioned Proposed Drainage Layout Drawing), Petrol Interceptor, Hydrobrake and Rainwater Harvesting.
- 7.7.22. I note the Local Authority Drainage Division raise no objection to the proposed development subject to 1 no. condition containing 8 no. sub-parts. I consider the applicants proposals, in terms of surface water management to be acceptable in principle. In the event of a Grant of Planning Permission being issued, I recommend a standard prior to commencement surface water condition be applied.
- 7.7.23. Section 4.2.2 of the Applicant's AA Screening Report relates to Potential Pathways to European sites. Direct Pathways are discussed in Section 4.2.2.1. In relation to Surface Water the Applicant notes the proposed new surface water drainage system to be employed, which will include SuDs features and attenuation, will likely be served by the Grand Canal Trunk Sewer. The Applicant notes this sewer is subdivided into 2 no. segments comprising foul sewage (one third of cross sectional area) with the balance for surface water flows. The wastewater (foul) flows to the Main Lift Pumping Station at Ringsend for delivery to the Ringsend Wastewater Treatment Works. The Surface Water side of the tunnel, at present, discharges into Grand Canal Dock. This pipe also receives excess flows from the River Poddle and Crumlin and spilled flows from the combined sewer overflows in the Rathmines and Pembroke Area. The applicant considered there is a direct hydrological pathway between the subject site and a number of European Sites in Dublin Bay and that a hydrological pathway also exists between the site and said European sites in Dublin Bay via foul water discharges from the site. The issue of Appropriate Assessment is discussed below in Section 8.0 of this Report.

- Development Contributions

- 7.7.24. A letter was received from the Local Authority on 15<sup>th</sup> May 2024 wherein it is requested, inter alia, that the Board apply a condition requiring the payment of a Section 48 development contribution.
- 7.7.25. The Notification of Decision to GRANT planning permission issued by the Local Authority on 21<sup>st</sup> March 2024 is subject to a total of 13 no. conditions. None of the conditions relate to Development Contributions. Furthermore, the issue of development contributions is not discussed in the 2 no. Local Authority Planners Reports. I note the Applicant, Templeogue Synge Street GFC, was deemed by the Local Authority to be exempt from a requirement to pay a planning application fee, see planning application form and the accompanying letter from the Applicant dated 10<sup>th</sup> October 2022.
- 7.7.26. Section 10.0 of the Dublin City Development Contribution Scheme 2023 to 2026 relates to circumstances where no contribution or a reduced contribution apply. I am satisfied that the proposed development constitutes '*a development to be used for social, recreational or religious purposes and not to be used for profit or gain*' and that it is therefore exempt from any obligation to pay development contributions.

## 8.0 AA Screening

- 8.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 8.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the above 5 no. European Sites in view of the conservation objectives of a number of qualifying interest features of those sites.

- 8.3. It is therefore determined that Appropriate Assessment (stage 2) of the proposed development as per Section 177V of the Planning and Development Act 2000, as amended, is required.
- 8.4. Following an examination, analysis and evaluation of the Natura Impact Statement (NIS) all associated material submitted, I consider that adverse effects on site integrity of North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 8.5. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
  - Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
  - Application of planning conditions to ensure application of these measures.
  - The proposed development will not affect the attainment of conservation objectives for North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA.

## 9.0 Recommendation

- 9.1. I recommend that permission be GRANTED.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the location of the application site in an area zoned Z9 (Amenity/ Open Space Lands/ Green Network), the relevant zoning objective for which is *'to preserve, provide and improve recreational amenity, open space and ecosystem services'* in the Dublin City Development Plan 2022 to 2028 where a *'club house associated with the primary Z9 objective'* is identified as a use which is permitted in principle, to the existing sport and recreational use of the site and the design and scale of the proposed development, it is considered that the proposed development,

subject to the conditions set out below, would not detract from the visual or established amenities of properties in the area, would not give rise to traffic hazard and would otherwise accord with the County Development Plan and the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28<sup>th</sup> day of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
  
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. Car and cycle parking shall comply with the requirements of the planning authority for such facilities. Emergency access to the pitch shall be kept free at all times. The measures outlined in the Mobility Management Framework as per the submitted Traffic and Transportation Assessment shall be implemented to the satisfaction of the Planning Authority. Prior to the commencement of development, the developer shall submit details for the written agreement of the planning authority, in relation to the following matters.

- a) A revised laneway drawing detailing a demarcated footway along the access road and internal roads along with proposed materials and surface finish. The footway shall be suitably higher than the access road and a section drawing to this effect shall be submitted. The footway shall be implemented prior to the completion of the development.
- b) Proposal to modify the existing inner gate to ensure there is no permanent height restriction for taller vehicles, such as a rigid bus, where access to the overall site is required.

Reason: In the interests of road safety and the sustainable development of the area.

6. The landscaping scheme, as submitted to An Bord Pleanála on the 17<sup>th</sup> April, 2024 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) A gated boundary rail/fence between the clubhouse/carpark area and the playing field areas.
- b) Additional large canopy tree species to the northern boundary of the car park area.

Reason: In the interest of residential and visual amenity.

7.

- a) Proposed lighting must comply with the Guidance Note GN08/23 Bats and Artificial Lighting at Night, published by Bat Conservation Trust and the Institution of Lighting Professionals (2023). Lighting should be directional and avoid areas of hedgerows and trees that could be used by commuting and foraging bats, and nesting birds.
- b) All lighting to be switched off at the site by 22:00 hours (10 pm) and no lighting is to be left on overnight or lit during daylight hours when not required. Any security lighting should be fitted with motion sensors and automatic timers to ensure that lighting is on for brief periods and does not disturb wildlife.
- c) A Pre-Demolition bat survey shall be carried out prior to the demolition of the existing clubhouse building. The pre-demolition survey shall be submitted to the Local Authority for written agreement prior to the demolition of the clubhouse.
- d) A bat and bird nest monitoring survey to be completed at the appropriate time of year by a suitably qualified ecologist following installation of the sports lighting on the site. If the lighting is found to be causing an impact to commuting or foraging bats or nesting birds, additional mitigation must be put in place by the applicant. The post monitoring report and mitigation measures shall be submitted to the Local Authority for review.
- e) A post monitoring bat survey shall be conducted at the appropriate time of year to see whether the screening mitigation is effective, or if further screening is required.

Reason: To conserve bats and to comply with the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011) and the Wildlife Acts (1976-2021).

8. All mitigation and monitoring measures outlined in the Ecology Note shall be implemented in full to the satisfaction of the Planning Authority.

Reason: in the interests of biodiversity and sustainable development.

9. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to proposed access arrangements for construction vehicles, swept path analysis for such vehicles, hours of working, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

11. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location or at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site

12. All plant, including any generator units, shall be sited in a manner so as not to cause nuisance at sensitive locations due to noise or odour. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/ or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: To protect the amenities of property in the vicinity of the site

13. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interests of visual amenity.

14. The floodlights or any equivalent replacement floodlights shall be as specified in the application. The floodlights shall be directed onto the playing surface of the pitch and away from adjacent housing, gardens and roads. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses, gardens and roads. The floodlights shall fully comply with recommendations contained in the Lighting Design Summary Report to the satisfaction of the Planning Authority.

Reason: In the interest of residential amenity and traffic safety.

15. The floodlighting shall be used only during periods when training or matches are taking place, and at all other times the floodlighting shall remain off. The operational hours of the floodlighting shall not extend beyond 2200 hours.

Reason: To protect the amenities of property in the vicinity.



*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.*

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Frank O'Donnell  
Planning Inspector

07<sup>th</sup> May 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-319532-24</b>
<b>Proposed Development Summary</b>	Demolition of the existing clubhouse for the construction of a new two-storey clubhouse, realignment and resurfacing of pitch no. 1. The development proposes the provision of a shed building with an immediate use as a gym to be changed to maintenance and storage use upon completion of the development and all associated site works. A Natura Impact Statement has been prepared in respect of the proposed development.
<b>Development Address</b>	Dolphin Park, Crumlin Road, Dublin 12
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10 b) iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<del>Screening Determination required (Complete Form 3)</del>
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-319532-24</b>
<b>Proposed Development Summary</b>	Demolition of the existing clubhouse for the construction of a new two-storey clubhouse, realignment and resurfacing of pitch no. 1. The development proposes the provision of a shed building with an immediate use as a gym to be changed to maintenance and storage use upon completion of the development and all associated site works. A Natura Impact Statement has been prepared in respect of the proposed development.
<b>Development Address</b>	Dolphin Park, Crumlin Road, Dublin 12
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The subject appeal site has a stated site area of 5.52 hectares. The proposed development primarily comprises the demolition of an existing single storey clubhouse building (190 sqm) and the construction of a new two storey clubhouse (745 sqm) and a new detached single storey shed building (195 sqm).</p> <p>The works do not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, nor is it vulnerable to climate change. The proposals present no risks to human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development is a part brownfield/ predominantly greenfield site situated in a suburban area.</p>

<b>Types and characteristics of potential impacts</b>	<p>The subject appeal site is recognised as an important ex-situ habitat for wintering birds, in particular, Light bellied brent geese and black headed gulls.</p> <p>Having regard to the relatively modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, the mitigation measures proposed in Natura Impact Statement in relation to wintering bird species and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	
<p align="center"><b>Conclusion</b></p>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

**Template 2: Standard AA Screening Determination Template**  
**Test for likely significant effects**  
(For use in all cases beyond de minimis criteria)

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>  Case File Ref. ABP-319532-24	
<b>Brief description of project</b>	Normal Planning Appeal  Redevelopment of Sports Grounds.  Third Party Appeal.  See Section 2.0 of the Inspectors Report above.
<b>Brief description of development characteristics and potential impact mechanisms</b>	<p>The proposed development comprises the demolition of the existing clubhouse for the construction of a new 2 storey clubhouse (745 sqm), realignment and resurfacing of Pitch No. 1. The development proposes the provision of a shed building with an immediate use as a gym to be changed to maintenance and storage use upon completion of the development and all associated site works. The subject appeal site has a stated site area of 5.52 hectares and comprises existing playing pitches, an existing single storey changing room building and associated hardstanding area.</p> <p>The proposed development works are focused to the northwest corner of the subject appeal site. The proposed extended hard standing area which will contain the new clubhouse and car park is estimated to measure in the region of 0.43 hectares (4,300 sqm) or c. 7.8% of the overall site area.</p> <p>A Construction and Environmental Management Plan (CEMP) accompanies the appeal. Informed by the data gathered for the AA Screening Report, the Natura Impact Statement (NIS) and the Ecology Note, a range of site specific mitigation, enhancement and monitoring measures are stated to have been designed so as to minimise potential impacts on the wider environment during the Construction Phase of the Proposed Development. The measures are proposed to be implemented and monitored by a suitably qualified ecologist or ECoW, or the contractor.</p> <p>It is proposed to provide a surface water treatment system comprising an oil interceptor and underground attenuation tank prior to discharge to the local drainage system. It is also proposed</p>

	<p>to install a rainwater harvesting tank with overflow pipe to surface water infrastructure. Water and waste will be connected to local services.</p> <p>There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p> <p>The site was surveyed by ecologists with habitat, mammal, bird and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies. A number of invasive flora were recorded adjacent to/ within the site, however none of the said invasive flora are listed on Schedule III of the European Communities (Birds and Natural Habitats) Regulations, 2011 (SI 477 of 2011, as amended).</p> <p>The nearest European Site (South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) lies c. 5.34 km to the East of the subject appeal site.</p> <p>The Construction Phase Programme is described in the Construction and Environmental Management Plan (CEMP), as follows:</p> <ul style="list-style-type: none"> <li>• <i>Realignment of pitch 1 will begin in Spring (April at the earliest) when the weather is suitable for earthworks and Brent Geese are no longer using the pitches. The realignment works are anticipated to take c. 3 months, however, the pitch will take 18 months to be suitable for playing.</i></li> <li>• <i>The construction of the club house and parking are considered as a separate phase, taking 9 to 12 months.</i></li> </ul>
<b>Screening report</b>	Yes (Prepared by Ecological Consultants)
<b>Natura Impact Statement</b>	Yes (Prepared by Ecological Consultants)
<b>Relevant submissions</b>	<p>Third party observations:</p> <p>Issues raised: Impacts/ disturbance to wintering birds associated with the SPA's.</p> <p>No observation submissions were received from Prescribed or other Bodies.</p>
[Additional information]:	

A previous planning appeal pertaining to the subject appeal site was quashed under a Judicial Review to the High Court on 25<sup>th</sup> February 2022, see Appeal Ref. no. ABP-304792-19 (Planning Reg. Ref. No. 2724/19) and High Court Case Ref. [2022] IEHC 83.

The Applicants (3 no.) in the said Judicial Review raised the following points in relation to the Appropriate Assessment undertaken. In respect of European Law issues raised in the Judicial Review, as summarised above, the presiding Judge made the following conclusion in paragraph 164 of the Judgement:

- *Having regard to the fact that the applicants succeed on the domestic law points, the European issues do not need to be decided.*

Following on from the above judgement, a subsequent application, similar to the current proposal, was refused permission by the Local Authority, see planning reg. ref. no. 5194/22 as summarized above in Section 4.0 (Planning History) of this report.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

A total of 16 no. European Sites (9 no. SAC's and 7 no. SPA's) are potentially within a zone of influence of the proposed development. 5 no. European Sites, as set out in the table below, have potential hydrological pathways to the site and/ or ex-situ habitat. I note that the screening report considered a total of 5 no. sites in the wider area (within 15km).

Baldoyle Bay SAC, Rockabill to Dalkey Island SAC, Howth Head SAC, Baldoyle Bay SPA and Dalkey Islands SPA are technically linked to the Proposed Development via a hydrological pathway, however, these sites are separated from the Liffey Estuary by a substantial marine water buffer of between 9km for the closest site, Rockabill to Dalkey Island SAC and 20km for the furthest site, Baldoyle Bay SAC. The hydrological pathway linking the Proposed Development to these European sites is therefore deemed insignificant and these Sites are not considered further in this assessment.

I note a further European Site (Northwest Irish Sea SPA (Site Code 004236) is potentially within the same zone of influence of the proposed development. However, although there is a technically a hydrological pathway to this site via the sewerage network, it is separated from the Liffey Estuary by a substantial marine water buffer. The hydrological pathway linking the proposed development to this said European site is not significant and for this reason the Northwest Irish Sea SPA is not considered any further in this assessment.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
<b>Special Areas of Conservation (SAC)</b>				
North Dublin Bay SAC (Site Code 000206).	<a href="https://www.npws.ie/protected-sites/sac/000206">https://www.npws.ie/protected-sites/sac/000206</a>	c. 8.22 km to the Northeast.	No direct hydrological connection.	Yes
South Dublin Bay SAC (Site Code 000210).	<a href="https://www.npws.ie/protected-sites/spa/004024">https://www.npws.ie/protected-sites/spa/004024</a>	c. 5.34 km to the East;	Weak indirect hydrological connection.	Yes



<b>Special Protection Areas (SPA)</b>				
<b>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).</b>	<a href="https://www.npws.ie/protected-sites/spa/004024">https://www.npws.ie/protected-sites/spa/004024</a>	c. 5.34 km to the East.	No direct hydrological connection.  Weak indirect hydrological connection.	<b>Yes</b>
<b>North Bull Island SPA (Site Code 004006).</b>	<a href="https://www.npws.ie/protected-sites/spa/004006">https://www.npws.ie/protected-sites/spa/004006</a>	c. 8.22 km to the Northeast.	Possible indirect connection between the site and the European Site as the subject appeal site (Dolphin Park) is in use as an ex-situ habitat by wintering waterfowl, particularly Light-bellied brent geese and black headed gulls.  These species are known to have feed within the grounds of the site.	<b>Yes</b>
<b>Baldoyle Bay SPA (Site Code 004016).</b>	<a href="https://www.npws.ie/protected-sites/sac/000199">https://www.npws.ie/protected-sites/sac/000199</a>	c. 13.43 km to the Northeast.	No direct hydrological connection.  Possible indirect connection between the site and the European Site as the subject appeal site (Dolphin Park) is in use as an ex-situ habitat by wintering waterfowl,	<b>Yes</b>

			<p>particularly Light-bellied brent geese and black headed gulls.</p> <p>These species are known to have feed within the grounds of the site.</p>	
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The applicant notes a new surface water drainage system incorporating SuDS features is proposed to collect surface water run off on site. Surface water is proposed to be held in an attenuation tank which will then in turn discharge to an existing 940 mm diameter surface water drainage pipe on site. The Applicant considers the site, owing to its location, will likely be served by the Grand Canal Trunk Sewer which is divided into two segments. One segment is for foul sewage which comprises approximately one-third of the cross-sectional area of the tunnel with the balance for surface water flows. Foul sewerage flows drain to the main pumping station at Ringsend for delivery to the Ringsend Wastewater Treatment Works.

At present the surface water side of the tunnel discharges to the Grand Canal Dock and receives flows directly from Crumlin, excess flows from the River Poddle and spilled flow from the combined sewer overflows in the Rathmines and Pembroke area (GDSDS, 2005). As such, the Applicant considers there is a potential **hydrological pathway** between the subject appeal site and European Sites in Dublin Bay namely, **North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA**, and **North Bull Island SPA** via the surface water network which connects to sewerage network.

Ecological surveys undertaken by the applicant at appropriate season and frequency, using best practice survey methods have identified the presence of Light Bellied Brent Geese in significant numbers at the subject appeal site. Other waterbird species recorded on the site included Black Headed Gull, Common Gull, Lesser Black Headed Gull and Herring Gull. Light-bellied Brent Geese are listed for protection in 3 of the 5 European sites below. The Black Headed Gull is listed for protection in 2 of the 5 European sites below.

As the subject appeal site is used as an ex-situ habitat by wintering waterfowl, particularly Light-bellied Brent Geese and Black Headed Gulls, as these species are known to feed within the grounds of the site, there is a possible indirect pathway between the subject appeal site and relevant European Sites as listed below.

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	Site name Qualifying interests
	Impacts	Effects
<p><b>Site 1:</b></p> <p><b>North Dublin Bay SAC (Site Code 000206)</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p><b>Direct:</b> None.</p> <p><b>Indirect:</b></p> <p>A hydrological connection has the potential of being established between the subject appeal site and the European Sites. The SUDS drainage system will collect surface water from across the site. This water will be discharged to the Grand Canal Trunk Sewer. Foul water from the site will also be discharged to this sewer., however, foul water and surface water within this sewer are segregated with surface water draining to the Grand Canal dock while the foul water flows towards Ringsend WwTP.</p>	<p>Due to the indirect impacts identified over, there may be a potential hydrological pathway between the subject appeal site and this European Site. This could affect habitat quality within the SAC for the Special Conservation Interests (SCI) listed.</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	Site name Qualifying interests
	Impacts	Effects
<b>Site 2:</b>  <b>South Dublin Bay SAC (Site Code 000210).</b>  Mudflats and sandflats not covered by seawater at low tide [1140]  Annual vegetation of drift lines [1210]  Salicornia and other annuals colonising mud and sand [1310]  Embryonic shifting dunes [2110]	<b>Direct:</b> None.  <b>Indirect:</b>  A hydrological connection has the potential of being established between the subject appeal site and the European Sites. The SUDS drainage system will collect surface water from across the site. This water will be discharged to the Grand Canal Trunk Sewer. Foul water from the site will also be discharged to this sewer., however, foul water and surface water within this sewer are segregated with surface water draining to the Grand Canal dock while the foul water flows towards Ringsend WwTP.	Due to the indirect impacts identified over, there may be a potential hydrological pathway between the subject appeal site and this European Site. This could affect habitat quality within the SAC for the Special Conservation Interests (SCI) listed.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	Site name Qualifying interests
	<b>Impacts</b>	
<b>Site 3:</b>  <b>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).</b>  Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]  Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]  Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]  Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]  Knot ( <i>Calidris canutus</i> ) [A143]  Sanderling ( <i>Calidris alba</i> ) [A144]  Dunlin ( <i>Calidris alpina</i> ) [A149]  Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]  Redshank ( <i>Tringa totanus</i> ) [A162]  Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]  Roseate Tern ( <i>Sterna dougallii</i> ) [A192]  Common Tern ( <i>Sterna hirundo</i> ) [A193]  Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]  Wetland and Waterbirds [A999]	<p><b><u>Direct:</u></b> None.</p> <p><b><u>Indirect:</u></b></p> <p>Possible indirect connection between the site and the European Site as the subject appeal site (Dolphin Park) is in use as an ex-situ habitat by wintering waterfowl, particularly Light-bellied Brent Geese and Black Headed Gulls. These species are known to feed within the grounds of the site.</p> <p><b><u>Indirect:</u></b></p> <p>A hydrological connection has the potential of being established between the subject appeal site and the European Sites. The SUDS drainage system will collect surface water from across the site. This water will be discharged to the Grand Canal Trunk Sewer. Foul water from the site will also be discharged to the above combined sewer. However, foul water and surface water within this sewer are segregated with surface water draining to the Grand Canal dock while the foul water flows towards Ringsend WwTP.</p>	<p>Disturbance, displacement, or harm caused to these species during the construction or operational phases of the Proposed Development may indirectly alter the numbers of these species within the SPA/ SPAs they may be associated with.</p> <p>Due to the indirect impacts identified over, there may be a potential hydrological pathway between the subject appeal site and this European Site. This could affect habitat quality within the SAC for the Special Conservation Interests (SCI) listed.</p>

	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	Site name Qualifying interests
	Impacts	Effects
<b>Site 4:</b>  <b>North Bull Island SPA (Site Code: 004006)</b>  Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]  Shelduck ( <i>Tadorna tadorna</i> ) [A048]  Teal ( <i>Anas crecca</i> ) [A052]  Pintail ( <i>Anas acuta</i> ) [A054]  Shoveler ( <i>Anas clypeata</i> ) [A056]  Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]  Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]  Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]  Knot ( <i>Calidris canutus</i> ) [A143]  Sanderling ( <i>Calidris alba</i> ) [A144]  Dunlin ( <i>Calidris alpina</i> ) [A149]  Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]  Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]	<b><u>Direct:</u></b> None.  <b><u>Indirect:</u></b>  Possible indirect connection between the site and the European Site as the subject appeal site (Dolphin Park) is in use as an ex-situ habitat by wintering waterfowl, particularly Light-bellied Brent Geese and Black Headed Gulls. These species are known to feed within the grounds of the site.	Disturbance, displacement, or harm caused to these species during the construction or operational phases of the Proposed Development may indirectly alter the numbers of these species within the SPA/ SPAs they may be associated with.

<p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
	<p><b><u>Indirect:</u></b></p> <p>A hydrological connection has the potential of being established between the subject appeal site and the European Sites. The SUDS drainage system will collect surface water from across the site. This water will be discharged to the Grand Canal Trunk Sewer. Foul water from the site will also be discharged to the above combined sewer. However, foul water and surface water within this sewer are segregated with surface water draining to the Grand Canal dock while the foul water flows towards Ringsend WwTP.</p>	<p>Due to the indirect impacts identified over, there may be a potential hydrological pathway between the subject appeal site and this European Site. This could affect habitat quality within the SAC for the Special Conservation Interests (SCI) listed.</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	Site name Qualifying interests
	<b>Impacts</b>	<b>Effects</b>
<b>Site 5:</b>  <b>Baldoyle Bay SPA (Site Code 004016)</b>  Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]  Shelduck ( <i>Tadorna tadorna</i> ) [A048]  Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]  Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]  Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]  Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]  Wetland and Waterbirds [A999]	<p><b><u>Direct:</u></b> None.</p> <p><b><u>Indirect:</u></b></p> <p>Possible indirect connection between the site and the European Site as the subject appeal site (Dolphin Park) is in use as an ex-situ habitat by wintering waterfowl, particularly Light-bellied Brent Geese.</p> <p>These species are known to feed within the grounds of the site.</p>	<p>Disturbance, displacement, or harm caused to these species during the construction or operational phases of the Proposed Development may indirectly alter the numbers of these species within the SPA/ SPAs they may be associated with.</p>
	<p><b><u>Indirect:</u></b></p> <p>A hydrological connection has the potential of being established between the subject appeal site and the European Sites. The SUDS drainage system will collect surface water from across the site. This water will be discharged to the Grand Canal Trunk Sewer. Foul water from the site will also be discharged to the above combined sewer. However, foul water and surface water within this sewer are segregated with surface</p>	<p>This SPA is technically linked to the Proposed Development via a hydrological pathway, however, this site, along with other sites (Balldoyle Bay SAC, Rockabill to Dalkjey Island SAC, Howth Head SAC and Dalkey Islands SPA) are separated from the Liffey Estuary by a substantial marine water buffer of between 9 to 20 km for the furthest site (Balldoyle Bay SAC). The hydrological pathway linking</p>



	water draining to the Grand Canal dock while the foul water flows towards Ringsend WwTP.	the Proposed Development to these European sites is therefore deemed insignificant and these sites are therefore not considered further in terms of a potential hydrological connection.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

#### **Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on:

- North Dublin Bay SAC (Site Code 000206)
- South Dublin Bay SAC (Site Code 000210),
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024),
- North Bull Island SPA (Site Code 004006),
- Baldoyle Bay SPA (Site Code 004016)

I concur with the applicant's findings in respect of potential indirect connections and pathways between the subject appeal site and the above 5 no. European sites and that impacts could be significant in terms of stated conservation objectives of the above 5 no. European sites when considered on their own and in combination with other projects and plans in relation to disturbance on qualifying interest habitats and species.

**Proceed to AA.**

#### **Screening Determination**

##### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the

- North Dublin Bay SAC (Site Code 000206)
- South Dublin Bay SAC (Site Code 000210),
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024),
- North Bull Island SPA (Site Code 004006),
- Baldoyle Bay SPA (Site Code 004016)

in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### Template 3: Standard AA Template and AA Determination

#### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Enviroguide
- North Dublin Bay SAC (000206) Conservation objectives supporting document – coastal habitats, NPWS, 2013
- North Dublin Bay SAC (000206) Conservation objectives supporting document – marine habitats, NPWS, 2013
- South Dublin Bay SAC (000210) Conservation objectives supporting document – marine habitats, NPWS, 2013
- South Dublin Bay and River Tolka Estuary SPA (004024) Conservation Objectives supporting document – marine habitats [Version 1], NPWS, 2014
- North Bull Island SPA (004006) Conservation Objectives supporting document [Version 1], NPWS, 2014
- Baldoyle Bay SPA (000199) Conservation Objectives supporting document, NPWS, 2013

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

#### Submissions/observations

##### Public Observations

- Issues raised: Impacts/ disturbance to wintering birds associated with the SPA's.
- No observation submissions were received from Prescribed or other Bodies.

<p><b>Site 1:</b></p> <p><b>North Dublin Bay SAC (Site Code 000206)</b></p> <p><b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b></p> <p><b>(i) Water quality degradation (construction and operation) (including Surface Water and Wastewater)</b></p> <p><b>See Tables 6 &amp; 8 of NIS</b></p>			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	To <b>maintain</b> the favourable conservation condition of this QI in North Dublin Bay SAC.	<p>This habitat does not occur within the proposed development site.</p> <p>Potential water quality degradation (construction and operational phases).</p> <p>Potential species and habitat loss.</p>	<p><u>Construction Phase</u></p> <p><u>Mitigation 2:</u> Surface Water</p> <p>Pollution control measures:</p> <p>Application of industry standard controls, Inland Fisheries.</p> <p>CEMP, Supervision by ECOW.</p>
<b>Other QI's</b>			
Embryonic shifting dunes [2110]	Not at risk	Rational for exclusion:	

		There is <b>no potential pathway</b> for impacts as these habitats are terrestrial with no connection to the site of the proposed development.
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]		
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
Humid dune slacks [2190]		
<i>Petalophyllum ralfsii</i> (Petalwort) [1395]		

#### Assessment of issues that could give rise to adverse effects:

##### (i) Water quality degradation

A potential hydrological pathway exists between the proposed development site and the SAC via the **surface water network** and foul water discharges from the subject appeal site. It is uncertain, in the absence of mitigation measures during the **construction phase**, whether the proposed development of the has the potential to give rise to potentially significant effects to the SAC. There is potential, in the absence of mitigation, for surface waters run off containing pollutants such as hydrocarbons and silt to enter the surface water drainage network, Grand Canal Dock and eventually Dublin Bay and the European sites therein. Such a scenario could arise as a result of accidental damage to existing surface water infrastructure within the subject appeal site or the run-off of surface waters into the drainage network. Therefore, although this scenario is unlikely, the **potential for significant effects** on the SAC arising as a result of water quality deterioration due to surface water run-off into the surface water sewerage system **cannot be excluded**.

**Foul water discharges** as a result of the use of the new clubhouse are not anticipated to be significant. There is **no real likelihood of significant effects** arising during the **operational phase** of the proposed development, as a result of increased loading of foul waters on Ringsend WwTP.

During the **operational phase** surface water discharges will comprise clean roof water in addition to run off from the car parking area, which could potentially include hydrocarbons as a result of a car leak or suspended sediment. A car leak would not be anticipated to be a regular occurrence and may not occur at all. Given the low volume of any surface water run off relative to the volume of receiving freshwater/ estuarine/ marine environment and the potential for mixing, dilution and dispersion of any **surface water run-off/ discharges** in the receiving freshwater/ estuarine/ marine environment, effects on the water quality indicator due to the operational phase of the surface water discharges **would not be significant**.

### **Mitigation measures and conditions**

The surface water mitigation measures are intended to treat the source (for example, by blocking/ protection of surface water drains, refuelling of plant to be carried out at designated refuelling station locations on site) or remove the pathway (for example no release of wastewater generated on-site into nearby drains during the **Construction Phase**).

The following mitigation measures are designed to protect surface waters during the **Construction Phase** of the proposed development:

- Having mapped all existing services on site, a plan will be formulated and put in place to decommission/ divert and manage any drains or sewers which are associated with the site.
- A plan will be put in place for dealing with any unknown drains or services which may be encountered during the works.
- Any surface water sewer inlets which could potentially act as pathways for contamination from the subject appeal site will be blocked off where possible.
- Where it is not possible to block surface water sewer inlets, straw bales, wattles, berms, inserts, or other inlet protection measures will be installed to protect storm drain inlets from run off.
- Silty water which is generated on the subject appeal site will be treated using silt trays/ settlement ponds/ settlement tanks and temporary interceptors and traps will be installed until such time as permanent facilities are constructed.
- All contaminated and treatment facilities will be regularly inspected and maintained.

- Containerised toilets and welfare units and/ or portaloos will be used to provide facilities for site personnel. All associated waste will be removed from the site by a licensed waste disposal contractor.
- Run-off from machine service and concrete mixing areas will under no circumstances be allowed to enter the drainage network.
- Discharge water generated during the placement of concrete will be stored and removed off-site for treatment and disposal.
- No concrete trucks will not be washed out on site with the exception of cleaning the chute into a container to be removed off site to an authorised facility.
- There will be specific areas designated for storage, deliveries and the loading/ unloading of materials. Such designated areas will have appropriate containment/ spill protection measures where required.
- The generation of leachate from waste receptacles or stockpiles will be prevented by the use of waterproof covers.
- If, during the construction works, contaminated soils are encountered or if material becomes contaminated by, for example, a hydraulic fluid leak or a fuel spill, and so as to prevent contamination of the underlying ground, the contaminated materials will be segregated, will be placed on an impermeable membrane and covered until such time as they can be compliantly removed from the site by appropriately authorised waste management contractors.
- Weather forecasts will be reviewed regularly for heavy rainfall and a contingency plan will be prepared before and after such events in order to minimise any potential nuisance effects.
- During the construction phase, the refuelling of plant will only be carried out at designated refuelling station locations on the subject appeal site. Each refuelling station will be fully equipped for spill response and a specially trained and dedicated Environmental and Emergency Spill Response team will be appointed before the commencement of works on site.
- The appropriate storage, bunding and signage arrangements will be used for all deleterious substances.
- Robust and appropriate Spill Response Plan and emergency Plans will be implemented for the duration of the works.

- All hazardous substances to be either used on site or to be expected to be present on site will be recorded on a register. This register shall be available at all times and as a minimum shall include: valid safety sheets, health and safety, environmental controls to be implemented when storing, handling, using and in the event of spillage of materials, emergency response procedures/precautions for each material, the PPE required when using the material.

All wastewater generated on the subject appeal site during the **Construction Phase** will be stored and appropriately disposed of. In no circumstances will untreated wastewater generated on the subject appeal site be released into nearby drains (e.g. from equipment washing or road sweeping).

### Fuel and Chemical Storage

Appropriate fuel and chemical storage facilities will be provided on site. Identified High Risk Areas include fuel and chemical storage, refuelling areas, site compound and waste storage areas. No washdown facilities for plant and equipment will be provided on the subject appeal site. Where required, fuel, oils and chemicals will be stored on a bunded impervious base.

All tank, container and drum storage areas shall be rendered impervious to the materials stored therein. The design of bunds shall be as per EPA guidelines. As a minimum, all drum and tank storage areas shall be bunded to a volume not less than the greater of 110% of the capacity of the largest tank or drum within the bunded area or 25% of the total volume of substance that could be stored within the bunded area.

SuDs measures will be utilised to further reduce the potential for water quality impacts to occur including tree pits, swales, attenuation and rainwater harvesting.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected habitats and aquatic species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspectors Report.

### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has reviewed and examined a total of 8 no. nearby extant planning permissions and has found there is **no potential** for the project alone, or in combination with said consented developments, **to have a significant impact** on any designated site.



In addition, the Applicant has reviewed and considered possible in combination effects with the Dublin City Development Plan, 2022 to 2028 and the Dublin City Biodiversity Plan 2021 to 2025 and has concludes that the potential for any in-combination effects to occur to be **unlikely to occur**.

I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the demolition, construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the **North Dublin Bay SAC (Site Code 000206)**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such affects have been assessed as effective and can be implemented and conditioned where permission is granted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the North Dublin Bay SAC (Site Code 000206). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Site 2:****South Dublin Bay SAC (Site Code 000210).****Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water quality degradation (construction and operational phases) (including Surface Water and Wastewater)****See Table 6 & 8 of NIS**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
			See Section 4.6 of the NIS
Mudflats and sandflats not covered by seawater at low tide [1140]	To <b>maintain</b> the favourable conservation condition of this QI in South Dublin Bay SAC.	This habitat does not occur within the proposed development site.	<u>Construction Phase</u>
Annual vegetation of drift lines [1210]		Potential water quality degradation (construction and operational phases).	Mitigation 2: Surface Water
Salicornia and other annuals colonising mud and sand [1310]		Potential species and habitat loss.	Pollution control measures:  Application of industry standard controls, Inland Fisheries.  CEMP, Supervision by ECOW.
Other QI's			
Embryonic shifting dunes [2110]	Not at risk	Rational for exclusion:  There is <b>no potential pathway</b> for impacts as these habitats are terrestrial with no connection to the site of the proposed development.	
Assessment of issues that could give rise to adverse effects view of conservation objectives			
(i) Water quality degradation			

See comments above relating to North Dublin Bay SAC and water quality degradation – the same comments apply to the South Dublin Bay SAC.

### **Mitigation measures and conditions**

See comments above relating to North Dublin Bay SAC and the proposed Mitigation measures and conditions in relation to water quality degradation – the same comments apply to the South Dublin Bay SAC.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected habitats and aquatic species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspectors Report.

### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has reviewed and examined a total of 8 no. nearby extant planning permissions and has found there is **no potential** for the project alone, or in combination with said consented developments, **to have a significant impact** on any designated site.

In addition, the Applicant has reviewed and considered possible in combination effects with the Dublin City Development Plan, 2022 to 2028 and the Dublin City Biodiversity Plan 2021 to 2025 and has concludes that the potential for any in-combination effects to occur to be **unlikely to occur**.

I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the demolition, construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the **South Dublin Bay SAC**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such affects have been assessed as effective and can be implemented and conditioned where permission is granted.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the **South Dublin Bay SAC**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Site 3:****South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).****Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) **Water quality degradation (construction and operational phases) (including Surface Water and Wastewater)**
- (ii) **Potential disturbance of bird species (construction and operational phases)**
- (iii) **Ex-situ disturbance or displacement (construction phase)**

**See Table 6 & 8 of NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To <b>maintain</b> the favourable conservation condition of the listed bird species in South Dublin Bay and River Tolka Estuary SPA.	Potential water quality degradation (construction and operational phases).	<u>Construction Phase</u>  <u>Mitigation 1:</u> Schedule of works
Black-headed Gull (Chroicocephalus ridibundus) [A179]		Potential for significant direct effects on two of the qualifying interest species exists. Light-bellied Brent Geese and Black Headed Gulls, both of which have been recorded utilising the subject appeal site for ex-situ feeding, could be significantly affected while using the Site via disturbance from construction activity (e.g. noise), potential loss of ex-situ habitat and/ or via colliding with the erected netting and	Realignment of pitch no. 1 will occur outside the wintering bird period in Spring (April at the earliest) when the weather is suitable for earth works and Light-bellied Brent Geese are no longer using the pitches.  Significant negative impacts to the Black-headed Gull are not anticipated – there is extensive suitable urban roosting habitat available in the surrounding environment and the wider Dublin City area.

		<p>obstruction of flight-lines during the Operation Phase of the proposed development.</p> <p>Potential ex-situ disturbance or displacement of Light-bellied Brent Geese as a result of a temporary loss of feeding grounds when grass pitch no. 1 is being realigned and resurfaced.</p>	<p><u>Mitigation 2:</u> Surface Water</p> <p>Pollution control measures. Application of industry standard controls, CEMP, Supervision by ECOW.</p> <p><u>Mitigation 3:</u> Wintering Waterbirds</p> <p>Reduction of Visual Stimuli, Noise Impacts, Dust related impacts and ex-situ disturbance or displacement.</p> <p><u>Operational Phase</u></p> <p>Mitigation 1: Ball Stop Netting Specifications.</p> <p>Mitigation 2: Ball Stop Netting Operation.</p> <p>Mitigation 3: Project Design with Minimal Land-Take.</p> <p>Mitigation 4: Hours of Operation.</p>
Oystercatcher (Haematopus ostralegus) [A130]			<p><u>Construction Phase</u></p> <p><u>Mitigation 2:</u> Surface Water</p> <p>Pollution control measures. Application of industry standard</p>
Ringed Plover (Charadrius hiaticula) [A137]			
Grey Plover (Pluvialis)			

squatarola) [A141]			controls, CEMP, Supervision by ECOW.
Knot (Calidris canutus) [A143]			
Sanderling (Calidris alba) [A144]			
Dunlin (Calidris alpina) [A149]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Redshank (Tringa totanus) [A162]			
Roseate Tern (Sterna dougallii) [A192]		Potential water quality degradation (construction phase).  Potential loss of available prey biomass (i.e. fish biomass) within Dublin Bay.	<u>Construction Phase</u>  <u>Mitigation 2:</u> Surface Water  Pollution control measures. Application of industry standard controls, CEMP, Supervision by ECOW.
Common Tern (Sterna hirundo) [A193]		Potential water quality degradation (construction phase).  Potential loss of available prey biomass (i.e. fish biomass) within Dublin Bay.	
Arctic Tern (Sterna paradisaea) [A194]		Potential water quality degradation (construction phase).	

		Potential loss of available prey biomass (i.e. fish biomass) within Dublin Bay.	
<b>Other QI's</b>			
Wetland and Waterbirds [A999]	Not at Risk	Reason for exclusion:  The proposed development will not have an adverse effect on the conservation objective target of this attribute, as it does not have the capacity to cause direct impacts on the area of this habitat.	

### **Assessment of issues that could give rise to adverse effects view of conservation objectives**

#### **(i) Water quality degradation**

See comments above relating to North Dublin Bay SAC and South Dublin Bay SAC relating to water quality degradation – the same comments apply to South Dublin Bay and River Tolka Estuary SPA.

#### **Mitigation measures and conditions**

See comments above relating to North Dublin Bay SAC and South Dublin Bay SAC relating to the proposed Mitigation measures and conditions in relation to water quality degradation – the same comments apply to the South Dublin Bay and River Tolka Estuary SPA.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected bird species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspectors Report.

#### **(ii) Potential disturbance of bird species (construction and operational phases)**

The subject appeal site is known to be utilized by wintering waterfowl such as Light-bellied Brent Geese as an ex-situ urban/ suburban grassland during winter months. The subject appeal site is recognized as an inland feeding area for Light-headed Brent Geese and is considered to be of major importance.



During the 2018/ 2019 wintering waterbird surveys carried out at the subject appeal site waterbird species including Light-bellied Brent Geese, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Herring Gull were recorded. No wader duck or wader species were recorded on the site. The entire Gull species were observed foraging on the lands and on a few occasions these species were also recorded roosting or preening.

Out of the above-mentioned waterbird species, Light-bellied Brent Geese and Black-headed Gull are listed as Special Conservation Interest (SCI) species for SPAs within the precautionary zone of influence. These 2 no. species could potentially be linked to South Dublin Bay and River Tolka Estuary SPA.

As a result of human presence and construction activity (e.g. pitch realignment, noise, increase in visual stimuli, dust) during the **Construction Phase** could potentially lead to impacts on wintering waterbirds using the lands and may result in such wintering waterbirds not using the lands during this period. It is estimated that the construction period will take approximately 18 months (the pitches are anticipated to take about 6 months and the club house as a separate phase taking around 9 to 12 months). As a result, the effects of the proposed Construction Phase are anticipated to be short-term but nonetheless, the potential for significant, **short-term effects**, as a result of the proposed development, **cannot be excluded**.

It is understood that following the proposed works the pitches will be used generally as per the existing hours of operation. The proposed upgrade of the site is not anticipated to result in any effects on wintering waterbirds. The proposed development will therefore, as such, not see a significant change in human activity during the **Operational Phase**. It is anticipated that floodlighting will not be likely to result in significant effects on wintering waterbirds as Light Bellied Brent Geese are not known to feed on inland terrestrial sites after dark (see 2018/2019 wintering bird survey report prepared by John Fox). The obstruction of flight lines for these geese approaching or leaving the lands may occur due to the placement of tall netting behind the goal posts, thereby reducing the suitability of the site as a feeding area for said birds. It should be noted that the netting proposed under the subject application relates to the northern pitch only (pitch no. 1), as shown on the submitted proposed site layout drawings no. 11354-2005, Rev. P01 and 11354-2006, Rev. P01.

The proposed ball stop nets are stated to be retractable. It is essential that these nets are only used when the pitches are in operation, and therefore unavailable as a roosting or foraging habitat for the birds, and that they are otherwise retracted when not in use. In the event where the nets are not retracted, this could lead to significant impacts on birds, should such collisions regularly occur. In the absence of mitigation, and applying the precautionary principle, **the potential for significant effects on SCI birds as a result of collisions cannot be excluded**.

### **(iii) Ex-situ disturbance or displacement (construction phase)**

Temporary loss of feeding grounds for wintering waterbirds when the grass pitch no. 1 is being realigned and resurfaced.

#### **Mitigation measures and conditions**

##### Construction Phase

##### Mitigation 1: Schedule of Works

- The realignment of pitch no. 1 will occur outside the wintering bird period in Spring (April at the earliest) when the weather is suitable for earth works and Light-bellied Geese are no longer using the pitches.
- While works to the clubhouse and car park are due to begin in early April, they will run into the winter months, when Black-headed Gull will be returning to the site. Significant negative impacts to the Black-headed Gull are not anticipated as a result of the proposed development as there is extensive suitable urban roosting habitat available in the surrounding environment and the wider Dublin City area (which is heavily urbanised).

##### Mitigation 3: Wintering Waterbirds

- Reduction of Visual Stimuli
  - Before work commences on the new clubhouse and car park, the area of amenity grassland/ pitches will be screened with hoarding (or similar) to a height of at least 2 metres. Scaffolding will be screening with opaque netting or similar. These measures are intended to minimise visual disturbance to any waterfowl/ shorebird species if they are utilising the pitches.
- Reduction of Noise Impacts
  - The use of low noise generating plant.
  - The siting of plant away from sensitive receptors.
  - Switch off plant when not in use and avoid unnecessary revving of engines.
  - Adequately maintained and serviced plant and machinery.
  - Proper balancing of plant items with rotating parts.
  - Avoidance of steep gradients and the good maintenance of internal routes.

- Minimise drop heights for materials or ensure a resilient material underlies.
  - Where noise originates from resonating body panels and cover plates, additional stiffening ribs or materials should be safely applied where appropriate.
  - Limiting the hours during which Site activities likely to create high levels of noise are permitted.
  - Appointing a Site representative responsible for matters relating to noise.
  - Monitoring typical levels of noise during critical periods and at sensitive locations.
- **Reduction of Dust Related Impacts**
    - Permeable or semi-permeable screens will be erected where the source of dust is within 25 metres of sensitive receptors.
    - The use of tarpaulin or similar to cover haulage vehicles transporting gravel or similar materials to the site.
    - Restriction of access and exit of vehicles to certain access/ exit points.
    - During periods of dry weather bousers will be available throughout the construction period.
    - A vehicle speed restriction of 20km/hr will apply.
    - During dry and windy periods and when there is a likelihood of dust nuisance, a bowser will operate to increase soil stability and reduce dust quantities.
    - Stockpiling of imported materials will be avoided where possible. Ideally such imported materials will be placed in their proposed location to avoid double handling.
    - Stockpiles will be stored in sheltered areas of the site, covered and watered regularly or as required if exposed during dry weather.
    - At the site exit points gravel should be used in order to remove caked dirt from tyre tracks.
    - Hard-surfaced roads will be wet-swept in order to remove any deposited materials.
    - Essential traffic only will use unsurfaced roads.
    - Where required and in order to control dust, wheel washing facilities will be located at the exit from the construction site.
    - The production of dust as a result of on site activity will be minimised by regular cleaning of the site access roads using vacuum road sweepers and washers.
    - The cleaning of access roads should take place at least 0.5 km on either side of the approach roads to the access points.
    - The site agent will determine the frequency of cleaning and is both weather and activity dependent.

- Stockpiles will be kept to a minimum height and slopes should be gentle in order to avoid windblown soil dust.
- During dry weather unpaved areas subject to traffic and wind, stockpiles and areas where there will be loading and unloading of dust generating materials will be dampened.
- Under no circumstances will waste water from equipment, wheel or surface cleaning enter the local drainage network.
- Reduction in Ex-situ disturbance or displacement
  - It is anticipated there will be a temporary loss of feeding grounds for bird species when the grass pitch no. 1 is being realigned and resurfaced. This anticipated disturbance is anticipated to be short term and will be mitigated for once pitch no. 1 is suitably realigned and resurfaced.

### Operational Phase

#### Mitigation 1: Ball Stop Netting Specifications

- The ball stop nets will only be used when the pitch is in use for matches or training.
- At all other non playing times, in particular during the wintering bird season (October to March), netting will be retracted.
- A precautionary approach to the ball stop nets will be adopted despite the netting being significantly lower than the recorded flight heights of Brent Geese at the site and the presence of a number of multi storey residential buildings in the local area.
- Reflective or coloured marker tags will be attached to the proposed ball stop netting and wires. This will be undertaken in consultation with a suitably qualified and experienced ornithologist.
- The use of a black mesh colour, a medium mesh size, the avoidance of a maximum wire tension/ tautness and the use of reflectors are proposed as additional measures.
- It is proposed that the installation of the netting be supervised by an Ecological Clerk of Works on the day of installation.

#### Mitigation 2: Ball Stop Netting Operation

- Ball Stop netting to be used year round but only for matches and training sessions. When there are no matches or training sessions, the nets will be retracted. At all other non-playing times, particularly during the wintering bird season (October to March).

#### Mitigation 3: Project Design with Minimal Land-Take

- The majority of the land take on the site proposed is restricted to the existing hard standing area to the north which includes the existing clubhouse and car parking facilities.
- The existing area available to Brent Geese is approximately 36,038 sqm. The proposed development will result in an overall permanent loss of approximately 3,904 sqm which is due to the partial encroachment of the new development onto the existing play pitches. Following development, the remaining area available for Brent Geese will be approximately 32,134 sqm which equates to 89% of suitable lands remaining for use by Brent Geese. This is not seen as significant having regard to the extent of remaining lands and the availability of additional suitable habitat in the wider area.

#### Mitigation 4: Hours of Operation

- Usage of the pitches following the proposed development is anticipated to be as per existing hours of operation. As such it is anticipated that there will be no significant increase in daytime use, when the birds are using the site. There will be no increase in use in spring or summer evenings.
- During the months of October to February, it is anticipated that there will be some increase in night-time usage. This will however be dispersed around the grounds rather than being focused to one particular area. This is to preserve the grassland habitat and minimise potential disturbance on SCI species.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected bird species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to potential disturbance of bird species are captured in Planning condition 2 of the Inspectors Report.

#### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has reviewed and examined a total of 8 no. nearby extant planning permissions and has found there is **no potential** for the project alone, or in combination with said consented developments, **to have a significant impact** on any designated site.

In addition, the Applicant has reviewed and considered possible in combination effects with the Dublin City Development Plan, 2022 to 2028 and the Dublin City Biodiversity Plan 2021 to 2025 and has concludes that the potential for any in-combination effects to occur to be **unlikely to occur**.

I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the **South Dublin Bay and River Tolka Estuary SPA**. No direct impacts are predicted.

Indirect impacts would be temporary in nature and mitigation measures are described to prevent both ingress of silt laden surface water and to control potential disturbance of bird species. Monitoring measures are also proposed. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the **South Dublin Bay and River Tolka Estuary SPA**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

<b>Site 4:</b>  <b>North Bull Island SPA (Site Code: 004006)</b>  <b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b>  <b>(i) Water quality degradation (construction and operational phases) (including Surface Water and Wastewater)</b> <b>(ii) Potential disturbance of bird species (construction and operational phases)</b>  <b>See Tables 6&amp; 8 of NIS</b>			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)
Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143]	To <b>maintain</b> the favourable conservation condition of the listed bird species in North Bull Island SPA.	Potential water quality degradation (construction and operational phases).  Potential for significant direct effects on two of the qualifying interest species exists. Light-bellied Brent Goose and Black Headed Gull, both of which have been recorded utilising the subject appeal site for ex-situ feeding, could be significantly affected while using the Site via disturbance from construction activity (e.g. noise), potential loss of ex-situ habitat and/ or via colliding	<b>See Section 4.6 of the NIS</b>  <u>Construction Phase</u>  <u>Mitigation 1:</u> Schedule of works  Realignment of pitch no. 1 will occur outside the wintering bird period in Spring (April at the earliest) when the weather is suitable for earth works and Light-bellied Brent Geese are no longer using the pitches.  <u>Mitigation 2:</u> Surface Water  Pollution control measures. Application of industry standard controls, CEMP, Supervision by ECOW.

Sanderling (Calidris alba) [A144]		with the erected netting and obstruction of flight-lines during the Operation Phase of the proposed development.	<u>Mitigation 3: Wintering Waterbirds</u>
Dunlin (Calidris alpina) [A149]			Reduction of Visual Stimuli, Noise Impacts and Dust related impacts.
Black-tailed Godwit (Limosa limosa) [A156]			<u>Operational Phase</u>
Bar-tailed Godwit (Limosa lapponica) [A157]			Mitigation 1: Ball Stop Netting Specifications.
Curlew (Numenius arquata) [A160]			Mitigation 2: Ball Stop Netting Operation.
Redshank (Tringa totanus) [A162]			Mitigation 3: Project Design with Minimal Land-Take.
Turnstone (Arenaria interpres) [A169]			Mitigation 4: Hours of Operation.
Black-headed Gull (Chroicocephalus ridibundus) [A179]			
<b>Other QI's</b>			
Wetland and Waterbirds [A999]	Not at Risk	Reason for exclusion:  The proposed development will not have an adverse effect on the conservation objective target of this attribute, as it does not have the capacity to cause direct impacts on the area of this habitat.	
<b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b>			
<b>(i) Water quality degradation</b>			
See comments above relating to North Dublin Bay SAC, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA relating to water quality degradation – the same comments apply to North Bull Island SPA.			



### **Mitigation measures and conditions**

See comments above relating to North Dublin Bay SAC, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA relating to the proposed Mitigation measures and conditions in relation to water quality degradation – the same comments apply to the North Bull Island SPA.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected bird species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspectors Report.

### **(ii) Potential disturbance of bird species (construction and operational phases)**

See comments above relating to North Dublin Bay SAC, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA relating to water quality degradation – the same comments apply to North Bull Island SPA.

### **Mitigation measures and conditions**

See comments above relating to North Dublin Bay SAC, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and proposed Mitigation measures and conditions in relation to potential disturbance to bird species – the same comments apply to the North Bull Island SPA.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected bird species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to potential disturbance of bird species are captured in Planning condition 2 of the Inspectors Report.

### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has reviewed and examined a total of 8 no. nearby extant planning permissions and has found there is **no potential** for the project alone, or in combination with said consented developments, **to have a significant impact** on any designated site.

In addition, the Applicant has reviewed and considered possible in combination effects with the Dublin City Development Plan, 2022 to 2028 and the Dublin City Biodiversity Plan 2021 to 2025 and has concludes that the potential for any in-combination effects to occur to be **unlikely to occur**.

I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the **North Bull Island SPA**. No direct impacts are predicted.

Indirect impacts would be temporary in nature and mitigation measures are described to prevent both ingress of silt laden surface water and to control potential disturbance of bird species. Monitoring measures are also proposed. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the **North Bull Island SPA**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Site 5:****Baldoyle Bay SPA (Site Code 004016)****Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Potential disturbance of bird species (construction and operational phases)**

See Table 6 &amp; 8 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To <b>maintain</b> the favourable conservation condition of the listed bird species in Baldoyle Bay SPA.	Potential for significant direct effects on two of the qualifying interest species exists. Light-bellied Brent Goose and Black Headed Gull, both of which have been recorded utilising the subject appeal site for ex-situ feeding, could be significantly affected while using the Site via disturbance from construction activity (e.g. noise), potential loss of ex-situ habitat and/ or via colliding with the erected netting and obstruction of flight-lines during the Operation Phase of the proposed development.	<p><u>Construction Phase</u></p> <p><u>Mitigation 1:</u> Schedule of works</p> <p>Realignment of pitch no. 1 will occur outside the wintering bird period in Spring (April at the earliest) when the weather is suitable for earth works and Light-bellied Brent Geese are no longer using the pitches.</p> <p><u>Mitigation 3:</u> Wintering Waterbirds</p> <p>Reduction of Visual Stimuli, Noise Impacts and Dust related impacts.</p> <p><u>Operational Phase</u></p> <p>Mitigation 1: Ball Stop Netting Specifications.</p>
Wetland and Waterbirds [A999]	To <b>maintain</b> the favourable conservation condition of the wetland habitat in Baldoyle Bay SPA.		

			Mitigation 2: Ball Stop Netting Operation.  Mitigation 3: Project Design with Minimal Land-Take.  Mitigation 4: Hours of Operation.
Other QI's			
Shelduck (Tadorna tadorna) [A048]	Not at Risk	Reason for Exclusion  The hydrological pathway between the Site and this SPA is sufficient to exclude any potential impacts due to surface water run-off, excluding the potential for significant water deterioration that could lead to knock-on effects on the bird species foraging on the wetland habitat of this SPA.  Additionally, none of these species were recorded utilizing the Site for ex-situ feeding, removing potential direct impacts on these species via construction-related activity and/ or erected netting during the Operational Phase of the Proposed Development.	
Ringed Plover (Charadrius hiaticula) [A137]			
Golden Plover (Pluvialis apricaria) [A140]			
Grey Plover (Pluvialis squatarola) [A141]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Assessment of issues that could give rise to adverse effects view of conservation objectives			
(i) Potential disturbance of bird species (construction and operational phases)			
See comments above relating to North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA relating to potential disturbance of bird species – the same comments apply to Baldoyle Bay SPA.			

### Mitigation measures and conditions

See comments above relating to North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA relating to the proposed Mitigation measures and conditions for potential disturbance to bird species – the same comments apply to Baldoyle Bay SPA.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at key threats to protected bird species and that by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to potential disturbance of bird species are captured in Planning condition 2 of the Inspectors Report.

### In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has reviewed and examined a total of 8 no. nearby extant planning permissions and has found there is **no potential** for the project alone, or in combination with said consented developments, **to have a significant impact** on any designated site.

In addition, the Applicant has reviewed and considered possible in combination effects with the Dublin City Development Plan, 2022 to 2028 and the Dublin City Biodiversity Plan 2021 to 2025 and has concludes that the potential for any in-combination effects to occur to be **unlikely to occur**.

I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for Baldoyle Bay SAC. No direct impacts are predicted.

Indirect impacts would be temporary in nature and mitigation measures are described to prevent potential disturbance of bird species. Monitoring measures are also proposed. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of Baldoyle Bay SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA.