



Your Ref: ABP-313278-22
Our Ref: **SHD-White Heather-DC**
(Please quote in all related correspondence)

16/05/2022
The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to strategichousing@pleanala.ie

Re: Notification under the Planning and Development (Housing) and Residential Tenancies Act 2016; Planning and Development (Strategic Housing Development) Regulations 2017

Proposed Strategic Housing Development: Demolition of existing buildings on site except 307/307a South Circular Road, construction of 335 no. residential units (7no. houses, 328 no. apartments), creche and associated site works at White Heather Industrial Estate, South Circular Road and 307/307a South Circular Road and 12a St James's Terrace, Dublin 8.

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I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Archaeology

The Department has examined the archaeological component of the Cultural Heritage chapter of the Environmental Impact Assessment Report (EIAR, April 2022, Vol. 2, Chapter 17) submitted with the above planning application. On the basis of the information in the report and the proposed archaeological mitigation (EIAR, Vol.2, Chapter 7.16.1, page 17-24) it is recommended that a planning condition pertaining to Archaeological Testing and Monitoring at pre-construction stages is included in any grant of planning permission that may issue.

Condition should read as follows:

Pre-development testing and monitoring shall consist of the following:

1. The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out pre-development testing and monitoring at the site (EIAR, 7.16.1). No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.



2. The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
3. The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
4. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage for consideration.
5. Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring may be required and the Department of Housing, Local Government and Heritage will advise the Applicant/Developer with regard to these matters.
6. No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Housing, Local Government and Heritage.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Nature Conservation

This Department's principal concerns with the development proposed from a nature conservation perspective are its potential effects on flora and fauna associated the adjacent Grand Canal proposed Natural Heritage Area (pNHA) during both its construction and operational phases.

During construction there is the potential for the mobilisation of pollutants from the development site into surface runoff, which could enter the neighbouring Grand Canal with detrimental effects on plants and animals present in this pNHA. Dust generated during construction could also reach the canal. The comprehensive range of measures set out in the Environmental Impact Assessment Report (EIAR) and Outline Construction Management Plan supporting this application to prevent pollutants entering surface runoff from the site and for suppressing dust during the development's construction should however, if fully and diligently implemented, prevent any pollution entering and detrimentally affecting the biota of the canal.

Of more concern is the potential effects of the proposed development when operational and occupied on mammal species included on Annex IV of the Habitats Directive (92/43/EEC)



and therefore subject to a system of strict protection, which as transposed into Irish Law by the European Communities (Birds and Natural Habitats) Regulations 2011, Statutory Instrument S.I. No. 477 of 2011, *inter alia* makes it illegal to interfere with their resting or breeding places unless a licence to derogate from the habitats Directive has been obtained from the National Parks and Wildlife Service (NPWS) of this Department. The mammal species concerned are the common pipistrelle and soprano pipstrelle bats, which have been identified foraging over the Grand Canal bank adjacent to the site, and the otter which has been regularly reported from neighbouring stretch of canal and are believed to have holts in the canal's bank in this area where individuals can lie up during daylight hours.

Bat surveys of the development site during the summer of 2021 located no bat roosts in the buildings present on the site, but recorded some foraging by common and soprano pipistrelles over the adjacent canal bank beside the development site as well a lesser amount of activity by Leisler's bats over the site. Though these are the three commonest bat species in Ireland and those least sensitive to artificial light, it is evident from this survey work and other surveys carried out in recent years in connection with other planning applications that the Grand Canal in this area forms a definite feeding and commuting corridor for the two pipistrelle species within its urban surrounds, with roosts of these species identified upstream of the site.

Though no evidence of otters using the development site or the adjacent canal was found in the survey work reported in the EIAR supporting this application, otters have regularly been reported by members of the public in recent years on the adjacent canal level to the site, which stretches from Suir Road to Portobello, and otter spraint has been observed by a NPWS staff member under the bridges on this level upstream of the site. The regularity of the otter sightings on this stretch of the canal and the distribution on it and sections up and downstream of the development site of locations suitable for holt, suggest at least one otter holt must be located on the neighbouring canal level, and almost certainly in one of the two relatively well vegetated sections of the northern canal bank present on this level; one of these bank sections is located downstream of Suir Road and a considerable distance upstream of the development site, but the other is the length bank immediately downstream of the site where allotment plots are laid out along the canal bank.

In order to preserve the existing amount of usage of the Grand Canal pNHA by bats and otter it is important that the proposed development does not increase the levels of illumination and disturbance occurring at present along the canal. The installation of bat friendly lighting in the development and the preservation of a vegetated buffer zone between the development and the canal is therefore essential.

The lighting design scheme for the proposed development has been reviewed to take into account of the light intensity it will project over the canal bank and water surface, and the light intensities reported appear unlikely to significantly detrimentally affect bats using the pNHA. However it is not clear that potential extra light spill originating from the internal lighting of the proposed apartment blocks as distinct the development's external lighting has



been considered in this review. Given that it is intended to locate five to six storey apartment blocks facing the canal and that the development overall height will reach ten stories, such light spill from internal lighting might be expected to significantly influence light levels on the canal.

With regards to preserving a buffer zone between the proposed development and the Grand Canal, it is unfortunate that the existing strip of amenity grassland within the site boundary facing the canal is proposed for removal, to be replaced by hard surfaces. The proposed planting of seven oak and horse chestnut trees and some shrubs along this boundary, while welcome, will only weakly screen the canal from the proposed development, and the access to the canal bank, from which the public is at present excluded, provided for in the landscaping will lead to increased disturbance to the pNHA.

Recommendations

In the light of all of the above it is recommended that the Bord should attach conditions on the following lines to any planning permission granted in response to the current application:

1. That the measures proposed in the EIAR and Outline CMP supporting this application to prevent the mobilisation pollution from the development site into surface water runoff and suppress dust blow shall be incorporated in a Construction Management Plan to be submitted to the planning authority for its written agreement before the commencement of any works on site, and to be implemented in full.

Reason: To avoid detrimental effects on plant and animal communities present in the adjacent Grand Canal pNHA resulting from water and air borne pollution originating from the proposed development.

2. That a finalised external and internal lighting design scheme for the proposed development signed off on by a bat specialist shall be submitted to the planning authority for their written agreement before the commencement of development on site, and shall be implemented in full.

Reason: To conserve bat species which are subject to a system of strict protection under the Habitats Directive (92/43/EEC).

3. That an amended landscaping plan for the proposed development shall be submitted to the planning authority for its written agreement before the commencement of the development, this plan to incorporate reinforcement of the vegetation screen on the boundary of the development site adjacent to the Grand Canal with additional trees, including some evergreen species, and with the permission of Waterways Ireland provide for the installation of an artificial otter holt in the canal bank.

Reason: To minimise the impacts of increased illumination and disturbance associated with the proposed development on bat species and otter, and to provide



a secure resting place for otter, species subject to a system of strict protection under the Habitats Directive (92/43/EEC).

In the event that additional heritage-related observations become available before the deadline date, a further letter will issue.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@housing.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

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A handwritten signature in blue ink, appearing to read 'J Lyons'.

Joanne Lyons
Development Applications Unit
Administration