



Your Ref: ABP-313361-22
Our Ref: **SHD-DF-Broomfield**
(Please quote in all related correspondence)

23 May 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 (SHD): SHD application for a residential development of 415 no. residential units (252 no. houses, 135 no. apartments, and 28 no. duplexes), with ancillary residential amenity facilities, 1 no. childcare facility, and all associated site works on lands at Back Road & Kinsealy Lane, Kinsaley, Broomfield, Malahide, County Dublin.

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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 headings co-ordinated by the Development Applications Unit.

Archaeology

The Department has examined the archaeological component of the Cultural Heritage chapter of the Environmental Impact Assessment Report (EIAR, April 2022, Chapter 13) submitted with the above proposed development. The presence of subsurface archaeological remains (a pit; a hearth/burnt pit; and two possible enclosure ditches) and the archaeological potential of the proposed development site (Fields 1, 2 and 5) are noted.

On the basis of the information in the report, the results of test excavations and the proposed archaeological mitigation (EIAR, Section 13.9, page 13-42) it is the Department's recommendation that a planning condition pertaining to Archaeological Excavation of the subsurface archaeological features in advance of construction works and Archaeological Monitoring of ground disturbance in Fields 1, 2 and 5 at construction stages within the development site be included in any grant of planning permission that may issue.



The condition should read as follows:

Archaeological Excavation and Monitoring shall consist of the following:

1. The applicant is required to engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Environmental Impact Assessment Report for archaeological excavation (preservation by record) of the archaeological features already identified in advance of construction works and Archaeological Monitoring of ground disturbance in Fields 1, 2 and 5 at construction stages across the development site.
2. Should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.
3. The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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

Having considered the documentation supporting the present application, this Department notes that the Natura Impact Statement (NIS) supporting the present application has identified a hydrological connection between the development site and the Baldoyle Bay Special Area of Conservation (SAC) and the Baldoyle Bay Special Protection Area (SPA). Without the implementation of suitable mitigation measures to avoid the mobilisation of pollutants such as silt, hydrocarbons and cementitious materials from the development into surface water runoff during its construction phase there is therefore the potential that there could be detrimental effects on these downstream Natura 2000 sites.

Some trees and hedgerows on site are to be removed to facilitate the proposed development. Such clearance if carried out during the bird breeding season could result in the destruction of nests and nestling birds. A considerable amount of bat usage of the development site has been recorded including roosting in buildings now demolished or gone so derelict as to be no longer suitable for such purposes and foraging over the development site by four species including the light sensitive long-eared bat



Recommendations

In light of the above it is recommended that the Board 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 Natura Impact Statement supporting this application to prevent pollution from the development site being mobilised into surface water runoff shall be incorporated in a finalised Construction Environment 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 downstream detrimental effects on the Broadmeadow River, the Baldoyle Bay SAC and Baldoyle Bay SPA resulting from water borne pollution originating from the proposed development.

2. That clearance of vegetation from the development site shall only be undertaken outside the main bird breeding season i.e. from September to February inclusive.

Reason:

To avoid the destruction of bird nests, eggs and nestlings.

3. That procedures for tree felling on the site will be carried out in line with the recommendations of the Environmental Impact Assessment Report supporting this application so as to avoid injury to bats, and bat boxes are to be erected on the development site as proposed in that document.

Reason:

To avoid injury to bat species and provide resting or breeding places for these mammal species, subject to a system of strict protection under the Habitats Directive (92/43/EEC)

4. 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, this lighting design to be implemented in full, and its implementation to be confirmed by a bat specialist.

Reason:

To conserve bat species which are 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
Higher Executive Officer
Development Applications Unit
Administration