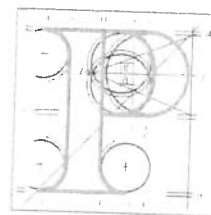


Our Case Number: ABP-321937-25

Your Reference: Rory Rogers



An
Bord
Pleanála

Kieran O'Malley & Co. Ltd.
2, Priory Office Park
Stillorgan Road
Blackrock
Co. Dublin
A94 P281

Date: 22 April 2025

Re: This proposed development is for flood defences at key locations along the Carrickmines and Shanganagh rivers including new walls/raised existing walls, culverts, localised screens upgrades and localised works in the river. An Environmental Impact Assessment Report (EIAR) is submitted with application
This proposed Flood Relief Scheme for the Carrickmines-Shanganagh Rivers at sites in the townlands of Woodside, Kilgobbin, Carrickmines, Brennanstown, Shankill, Loughlinstown, Shanganagh and Hackettsland

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note there is no fee for requesting an Oral Hearing, therefore, please find enclosed a cheque for the sum of €50 being the amount overpaid by you.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter please do not hesitate to contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

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64 Marlborough Street
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Yours faithfully,



Aisling Reilly
Executive Officer
Direct Line: 01-8737131

JA02

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AN BORD PLEANÁLA
LDG- 079334-25
ABP-
15 APR 2025
Fee: € 100.00 Type: CO
Time: 1504 By: HAWD

15 April 2025

RE: FLOOD RELIEF SCHEME FOR THE CARRICKMINES AND SHANGANAGH RIVERS
Your Ref. No. ABP JA06D.321937

Dear Sir/Madam,

We act for Rory Rogers, Waterfall Cottage, Cherrywood Road, Shankill, Co. Dublin 18 D18 H6F8.

Rory Rogers and his family live at Waterfall Cottage marked on Figure 1 below.

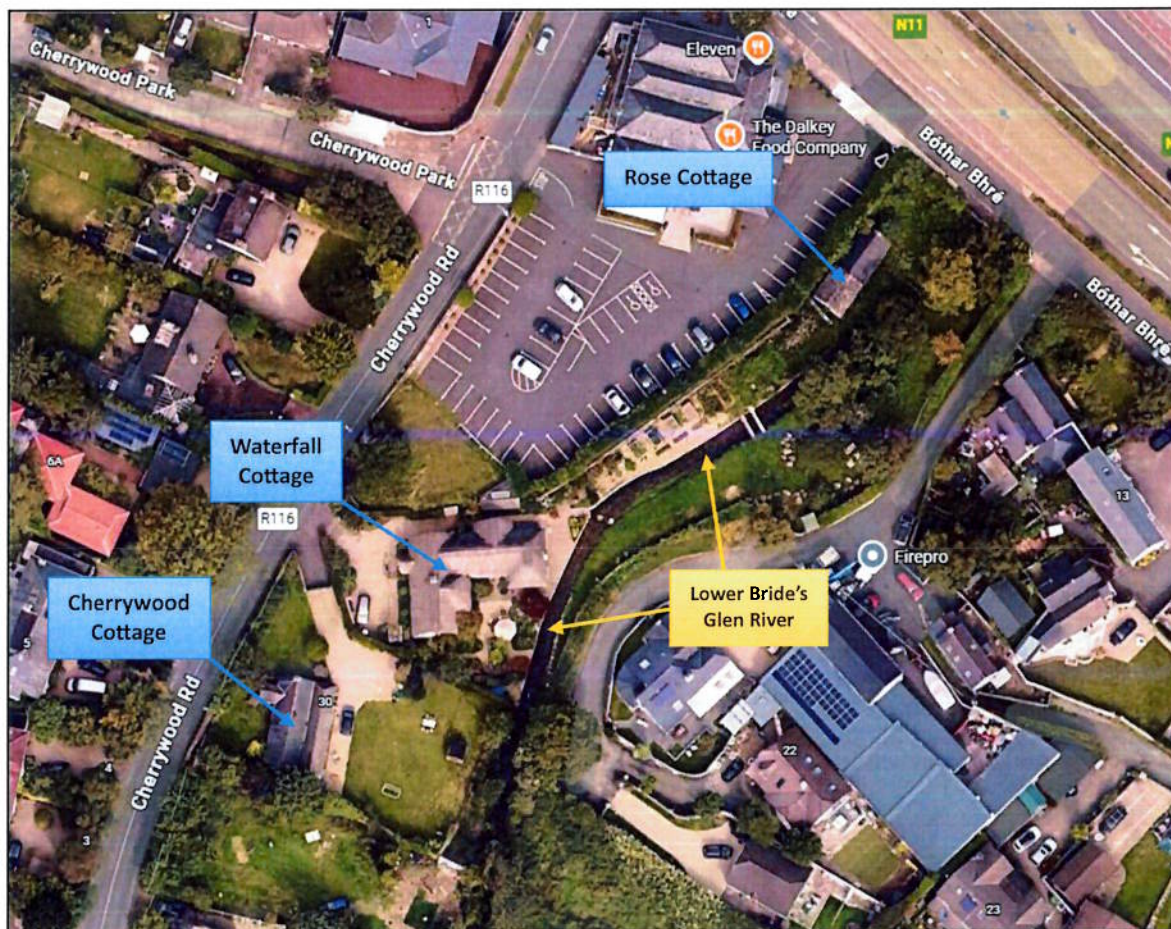


Figure 1: Aerial Photograph at Waterfall Cottage (source: Google Maps)

Mr. Rogers also owns Rose Cottage to the north and Cherrywood Cottage immediately next door to Waterfall Cottage, both of which are shown on Figure 1 above.

This is a submission by Rory Rogers in respect of the proposed Carrickmines-Shanganagh River Flood Relief Scheme. Please find attached a cheque for €100.00 payable to An Bord Pleanála, which includes the €50 statutory fee required to accompany this submission and the €50 fee in respect of our client's request for an oral hearing.

BACKGROUND TO THIS SUBMISSION

Our client's properties at Cherrywood Road are located on the Bride's Glen River and are shaded green on Figure 2. The west bank of the river comprises a granite stone wall (Figures 2-5) within the curtilage of Waterfall Cottage. This wall retains his property on the west side of the river and contributes to the overall character and setting of Waterfall Cottage.

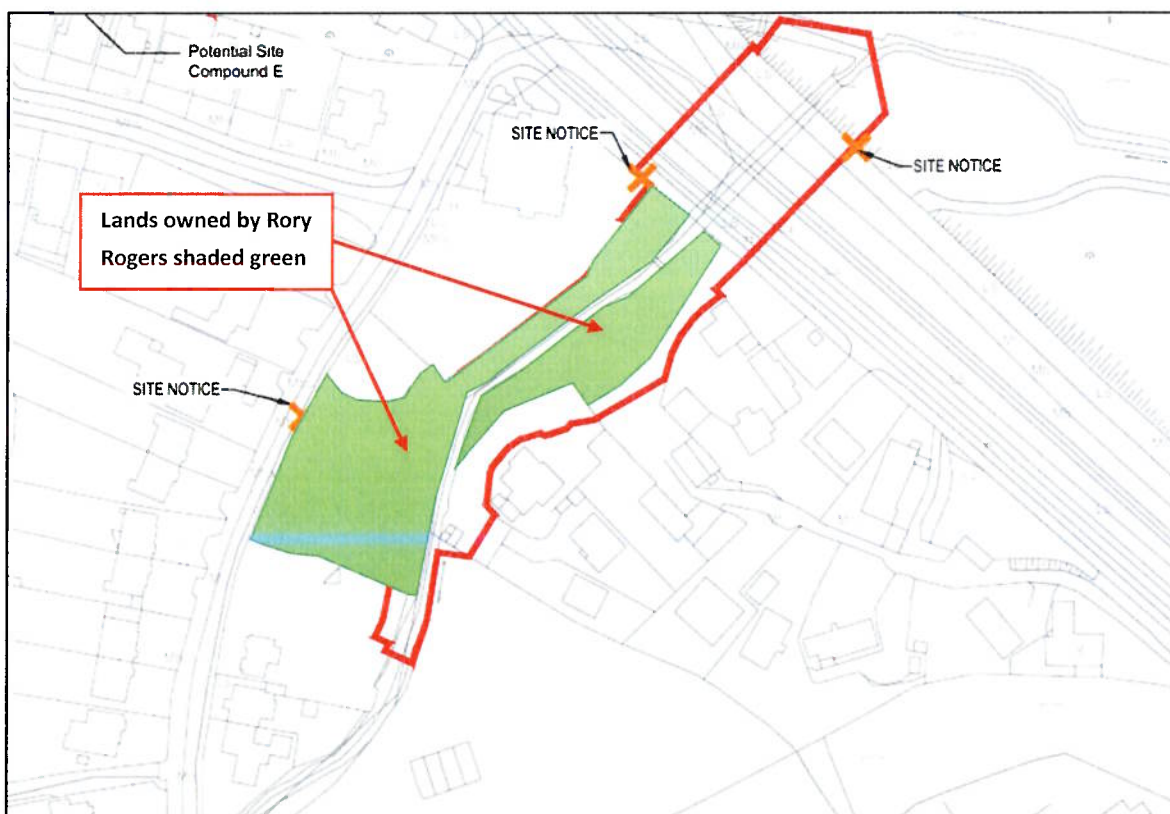


Figure 2 Extract from Site Location Map Area 5 – Lower Bride's Glen, N11 & Bray Road
[Carrickmines Shanganagh River Flood Relief Scheme DRWG. No. 20108-JBB-ZZ-XX- DR-Z-2905]

Rory Rogers does not object to the proposed flood defence scheme per se. He welcomes the flood defence measures in principle although he has serious reservations about the adverse impacts of the proposals during construction and the permanent impact upon built heritage at his property.

He also considers that alternative solutions to the scheme design affecting his property were not identified and assessed in the EIAR.

Mr. Rogers is particularly concerned about the serious adverse impacts during the construction works phase. Having regard to the nature and extent of the heavy engineering works along the river within his property in such close proximity to his home, he is extremely concerned about the serious impact during the construction works phase and the duration of the construction phase affecting our clients' home. In the longer term his main objection is to the permanent negative effect of the defence wall upon the setting of Waterfall Cottage, which is a protected structure. Both aspects are not adequately addressed, or addressed at all, on the drawings or in the EIAR and the documentation accompanying this application for Approval to An Bord Pleanála.

We urge the Board to have regard to our client's real concerns set out herein, and to require the Applicant to address these matters by seeking Further Information.

Given the proximity of the works to his home, a protected structure, and the likely adverse impacts upon his property, Mr. Rogers requests the Board to exercise its discretion to have an oral hearing in this case. A hearing would enable Mr. Rogers and his advisers to set out his concerns directly to the local authority in the presence of the Board's Inspector.

1.0 Brief Description of Our Client's Residential Properties

- 1.1 Waterfall Cottage and our client's other properties occupy the lands shaded green on the extract from the scheme site location map (Figure 2).
- 1.2 Access is at Cherrywood Road and is shared with Cherrywood Cottage. Waterfall Cottage is a thatched roof bungalow extending close to the river's edge.
- 1.3 The ground on the west side of the river is retained by a granite wall constructed along the river (Figures 3-6 below). Waterfall Cottage straddles the Bride's Glen River. There is no wall on the east side of the river (Figure 4). This plot comprises lands on the eastern bank of the river, which is at a lower level to the ground on the west side of the river. There is an un-plastered block wall along a portion of the property on the east side of the river where the lands adjoin Loughlinstown Commons (Figures 6, 7 & 8).
- 1.4 Car parking is at the front and the main private garden space is at the south of the kitchen and living room areas of the house, which is the most favourable orientation (Figure 3) in terms of sunlight. Figure 3 shows that this external space is located close to the river and it shows the proximity of the southeast corner of the house to the river.

- 1.5 Figure 5 shows the rear of Waterfall Cottage and the steps leading to the stepping stones across the river.
- 1.6 The narrow strip between the river and the property boundary comprises several planted beds (visible in Figures 4 and 6).
- 1.7 Waterfall Cottage is included on DLR's Record of Protected Structures (RPS Ref. 1770) and therefore enjoys all the statutory protection provided under the Act.



Figure 3 View south at Waterfall C.



Figure 4 View north at Waterfall C.



Figure 5 Rear of Waterfall Cottage



Figure 6 View at rear of Waterfall C.

- 1.8 Figures 7 and 8 below show the block wall on the east side of the river. These pictures were taken in or about October 2023 when a portion of this wall fell.
- 1.9 Blocks from this wall falling into the river would potentially obstruct the flow of water in the river.

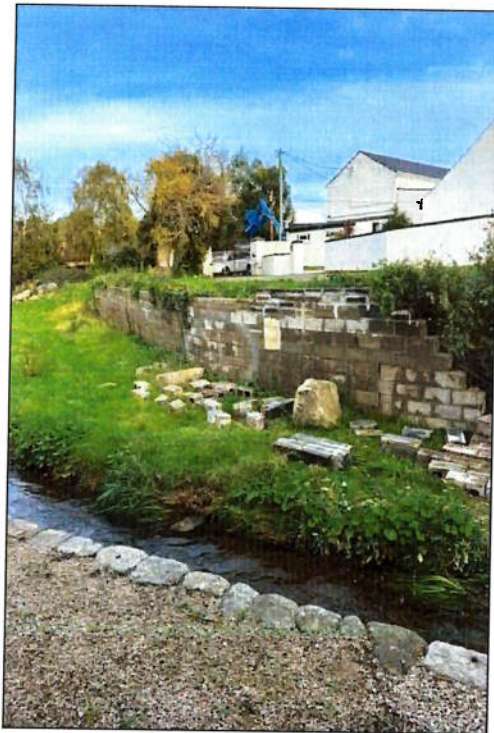


Figure 7 Block Wall at Waterfall Cottage



Figure 8 Wall down next to river.

- 1.10 Cherrywood Cottage adjoins Waterfall Cottage to the south. The dwelling house at Cherrywood Cottage is located at the west side of this plot near Cherrywood Road and is approximately 25m from the edge of the Lower Bride's Glen River.
- 1.11 Rose Cottage is located to the north of Waterfall Cottage near the existing culvert under the N11 – it is visible in Figure 4 above and is shown in EIAR Figure 13.36.
- 1.12 This cottage is presently vacant and in very poor condition. Nevertheless our client has plans to refurbish it and his application to Dun Laoghaire Rathdown County Council for the Croí Cónaithe Property Refurbishment grant and the Derelict Refurbishment Top-Up grant was approved in principle for the sum of €70,000 in November 2023.

2 OUR CLIENT'S PROPERTY AND THE PROPOSED FLOOD DEFENCE MEASURES

- 2.1 We reviewed the lodged plans and particulars and the relevant chapters of the EIA Report to understand the nature and extent of the proposals in the vicinity of our client's home and adjoining residential properties at Rose Cottage and Cherrywood Cottage.
- 2.2 Rory Rogers's properties are located within the proposed flood defence at Lower Bride's Glen 4B and 4C. The proposed works are shown on the site layout, elevations and sections for the Lower Bride's Glen N11 and described at EIAR Section 3.3.7 as follows.

3.3.7 Lower Brides Glen – 4.B

The proposed measures at Lower Brides Glen are shown on the following planning drawings:

- 20108-JBB-00-XX-DR-Z-02930_Lower_Brides_Glen_N11_OF_Proposed Site Layout
- 20108-JBB-00-XX-DR-Z-02931_Lower_Brides_Glen_N11_OF_Proposed Elevations
- 20108-JBB-00-XX-DR-Z-02932_Lower_Brides_Glen_N11_OF_Proposed Sections

This measure will be constructed within a private garden (Waterfall Cottage).

- Construction of c. 129m of flood defence walls ranging from 1.2m to 2m in height. The walls are to be located along the north bank of Brides Glen River, within the curtilage of existing properties including a protected structure Waterfall Cottage (RPS Ref: 1770) and immediately upstream of the N11 culvert. Works include demountable barriers and decorative railings.

- 2.3 I carefully reviewed the above drawings for the Lower Bride's Glen and N11 Overflow flood defence scheme. As a general comment, the details of the existing dwelling at Waterfall Cottage on the drawings are very faint and these details vanish altogether when printed.
- 2.4 The scope of the proposed works is not adequately or clearly explained on the drawings and in the EIAR. Inadequate information is provided regarding the existing conditions at Waterfall Cottage, for example, I query the accuracy of the elevation of Waterfall Cottage at CH60 on the wall elevation/long section on DRWG. No. DR-Z-02931 Rev C01.
- 2.5 There is conflicting information between the site layout and the sections. The drawings do not include enough sections through our client's property and the details on the sections on DRWG. No. DR-Z-02932 Rev C01 are not sufficiently detailed to assist the Board and other stakeholders in understanding the full impact of the proposed works.
- 2.6 Consider the information on Sections 1-1 and 2-2 in conjunction with the proposed site layout (DRWG. No. DR-Z-02930 Rev C01). Section 1-1 is located roughly at CH 40 near the southeast corner of the garden at Waterfall Cottage. Figures 2-5 above show, and a site visit will confirm, that there is an existing stone wall along the west side of the river through both Sections 1-1 and 2-2.

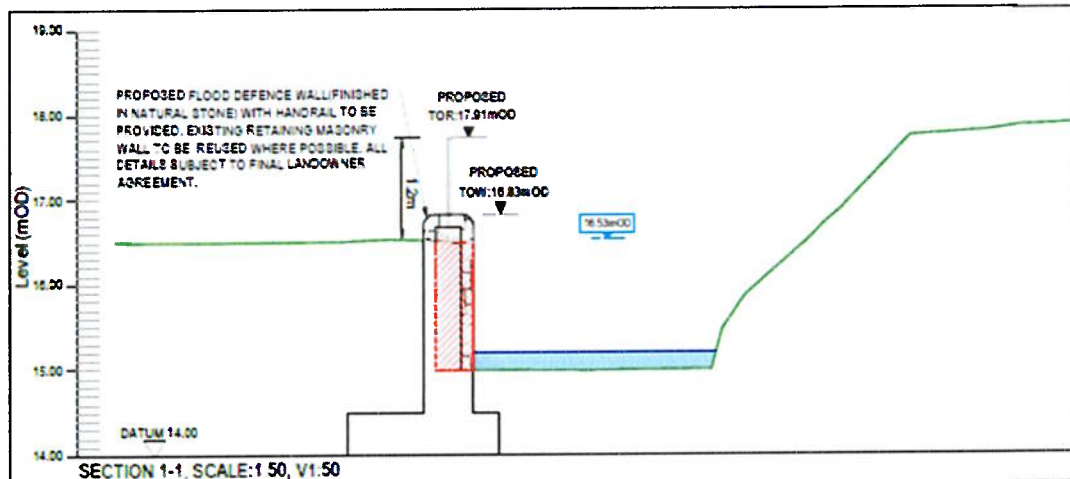


Figure 9: Section 1-1 Extract JBA Consulting DRWG. No. DR-Z-02932 RevC01

2.7 Section 1-1 in Figure 9 shows that the proposed works entail the removal of the existing granite wall to the west bank of the river (shaded red) and the construction of a reinforced concrete retaining wall.

2.8 I question the accuracy of the ground levels on the east side of the river shown in Section 1-1. The ground levels on the east side of the river are generally lower than on the west side at this location, yet the levels are shown higher in this section (see Figure 4).

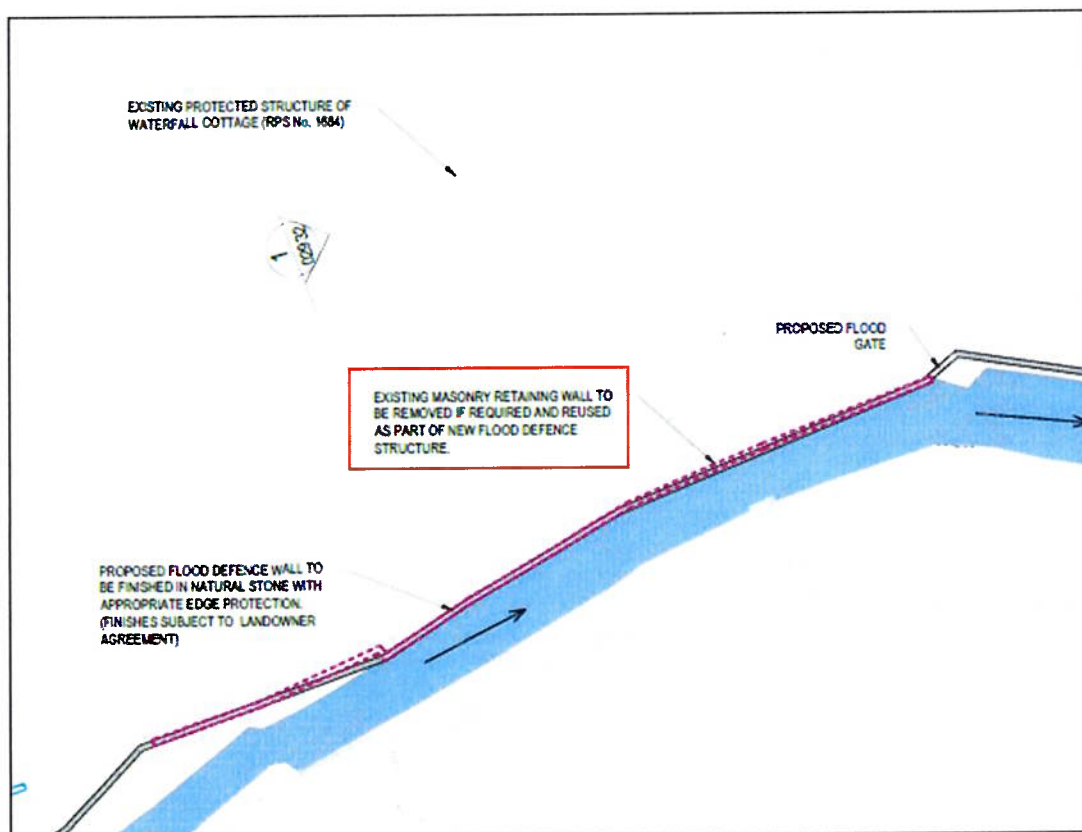


Figure 10: Extract Proposed Site Layout JBA Consulting DRWG. No. DR-Z-02930 RevC01

- 2.9 Figure 10 is an extract from the proposed site layout in the vicinity of Waterfall Cottage. I have highlighted in red the drawing note pertaining to the works along this portion of the flood defence, which is immediately at the rear of the house close to Section 1-1 (Figure 9). The drawing note suggests that the existing wall to be removed "if required," which is not consistent with the details shown on Section 1-1 where the existing wall is explicitly to be removed (shaded red on Section 1-1).
- 2.10 The proposed site layout indicates a new flood defence wall set back from the edge of the river extending from the flood gate at approx. CH 67 to the N11 culvert at approx. CH 129. Section 2-2 is located within the curtilage of Waterfall Cottage just south of Rose Cottage. The proposed flood defence at Section 2-2 is shown in Figure 11.

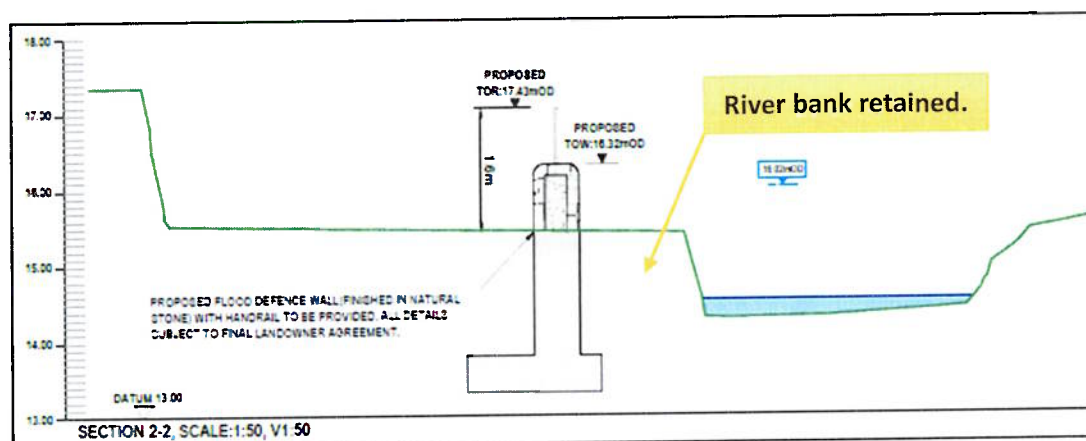


Figure 11: Section 2-2 Extract JBA Consulting DRWG. No. DR-Z-02932 RevC01

- 2.11 Section 2-2 indicates that a reinforced concrete retaining wall will be built to a height of 16.32m OD with a railing over and shows that the ground between the edge of the river and the flood defence wall will be retained. This may indeed be the proposal and it aligns with the proposed site layout, which also shows a strip of land between the river and the proposed flood defence. However, the existing granite wall is not shown in the section or in plan, and the removal of the existing wall is not referenced on Section 2-2.
- 2.12 The proposed site layout only shows the new wall in this location and it does not indicate that the existing wall lining the river is to be removed (depicted by red hatching in the legend on the site layout drawing), yet the existing stone wall lining the river at this location is omitted from Section 2-2. Thus, the works shown on the proposed site layout and on the section are silent about the status of the existing wall. Where the information provided is so limited, and yet it is inconsistent as regards such fundamental details, the Board will appreciate our client's lack of confidence in relation to the delivery of this project and the implications at our client's properties.

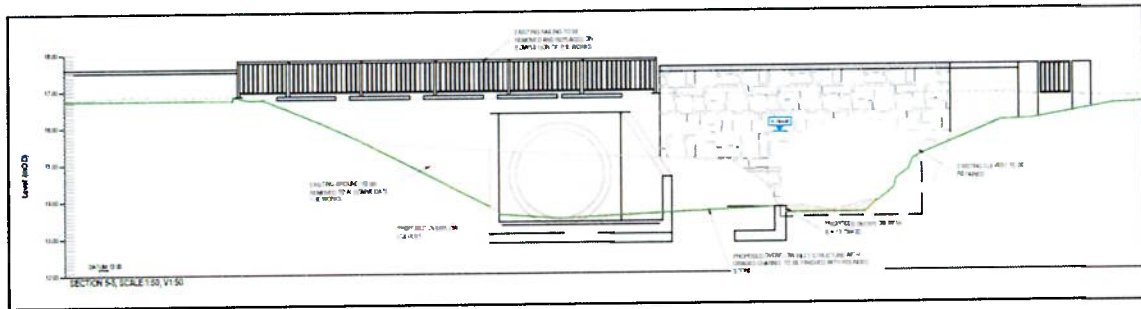


Figure 12: Section 5-5 Extract JBA Consulting DRWG. No. DR-Z-02932 RevC01

- 2.13 Figure 12 is a section through the proposed overflow culvert between Rose Cottage and the N11 bridge. The existing culvert is faced with cut stone, which considerably enhances the visual aesthetic of the bridge. A few questions occur in relation to these works.
- 2.14 What consideration, if any, was given to enlarging the existing culvert? Our client raised this directly with the DLR Senior Executive Engineer during a site visit. Chapter 2 of the EIAR examines “Alternatives” and does not show whether the enlargement of the N11 culvert was considered nor does it set out an objective basis for rejecting this option. From Mr. Rogers’s perspective, the enlargement of the existing culvert may significantly reduce the impact of the scheme works upon his property, particularly, Rose Cottage.
- 2.15 Another obvious alternative would be to construct the proposed N11 culvert to the east of the existing N11 culvert, which would also avoid the permanent negative impact on Rose Cottage. This alternative is not identified or considered in Chapter 2 of the EIAR.
- 2.16 Section 5-5 does not indicate that the proposed culvert will be finished in stone and it is inferred from the drawing that the structure will be made of and finished in concrete. If this is the case, our client considers the proposed works do not have adequate regard to the character of the existing culvert and to the location of the site within the curtilage of a protected structure.
- 2.17 The construction of the inlet to the overflow culvert will involve significant excavation work and soil removal as shown on Section 5-5. The flood defence wall measures approx. 129m long extending from the inlet at Rose Cottage to a point past Cherrywood Cottage, virtually all of it within our client’s ownership. Sections through the reinforced concrete retaining wall show that the total height of this new flood defence ranges from 2.83m (Section 1-1, i.e. 16.83m OD – 14.00mOD) up to 3.32m (Sections 2-2/3-3 and 4-4) so it is a substantial structure, the construction of which will entail heavy duty engineering works in proximity to our client’s home. The consideration of alternatives does not include the retention of the existing stone wall and raising the wall height above the 1% AEP flood level. If feasible, this would reduce the construction works at our client’s home.

- 2.18 No details or information on the construction works at our client's property are set out on the drawings or in the EIAR or in any other documents lodged. The sections do not reveal the proximity of the works to the east elevation of Waterfall Cottage. The SE corner of the dwelling is less than 2m from the river so the Board will appreciate our client's legitimate concerns regarding the potential impact of the works upon his family home.
- 2.19 Other information not adequately addressed in the papers includes the following;
- No details of the flood gates provided.
 - No details of the railing are provided.
 - Details of the finish to the inlet to the overflow culvert under the N11.
 - Insufficient construction details are provided such as details of site access/egress, phasing, no information regarding works compound to implement works within our client's property or measures to safeguard the existing protected structure.
- 2.20 The above is not an exhaustive list, but these are significant omissions pertaining to both the short term construction impacts and the permanent impacts of the proposed flood defence works at Waterfall Cottage.
- 2.21 Our client reiterates that these works are to be carried out within the curtilage of a protected structure. The flood gate and railings are close to the house and are important matters of architectural detail, which ought to be addressed at the earliest stage in this approval process. The elevation drawings show a 900mm high railing on the flood defence wall from CH40 to CH96 reducing slightly in height in the section terminating at the inlet. Our client favours retaining and increasing the existing wall on the west side of the river.
- 2.22 An Bord Pleanála cannot properly assess the impact of these works upon our client's residential properties based on the information lodged and where details on the proposed site layout conflict with the section drawings in this regard. To assist in understanding the proposed works, detailed existing and proposed sections are required.
- 2.23 Rory Rogers is disappointed with the information provided in relation to the substantial works envisaged within the curtilage of Waterfall Cottage, a protected structure. As a minimum, the applicant should be required to provide detailed accurate drawings and information to explain the extent of the proposed works at Flood Defence Measure 4B and 4C in the Lower Bride's Glen and N11 Crossing respectively.

3 EIAR AND CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

- 3.1 I also examined the EIAR and the preliminary Construction Environment Management Plan (CEMP) for information relating to the works at Waterfall Cottage and adjoining properties owned by Mr. Rogers. Chapters 3, 6, 7, 13 and 14 in the EIAR are relevant.
- 3.2 The proposals affecting our client's properties are described at Sections 3.2.7 and 3.2.8 of the preliminary Construction Environment Management Plan.

3.2.7 Lower Brides Glen

Approximately 100m southeast of the Bray Road works at Lower Brides Glen (Figure 3-1, 4.B), works will take place within the garden of a private residence called Waterfall Cottage,

- Construction of c. 129m of flood defence walls up to 2m in height above river channel level of the Shanganagh River adjoining existing properties upstream of the N11 culvert. Works include demountable barriers and decorative railings.

3.2.8 N11 Overflow Culvert

Installation of an overflow culvert to the Loughlinstown River South under the N11 to alleviate flooding immediately upstream of the current culvert under the N11 (Figure 3-1, 4.C). The N11 culvert overflow works are within Loughlinstown Woods, a densely wooded area which is also designated as a proposed Natural

Heritage Area (pNHA), the pNHA is discussed in Chapter 8 of the EIAR, Biodiversity. The works will consist of the following elements, including the removal of several trees.

- Installation of c. 53m of new 2.4m diameter overflow pipe beneath the N11 dual carriageway including inlet structure at Lower Brides Glen, and outlet structure at Loughlinstown Park.

- 3.3 Significant works are proposed along the river close to our client's home and we examined the information lodged to understand the nature and extent of the works envisaged and the Council's intentions about the implementation of the works. For example, details of the type of plant and equipment to be used, the means of access at the property and the construction methods and to carry out the works would be very helpful to enable the landowner and the Board to properly assess these proposals.
- 3.4 EIAR Chapter 6 examines the construction impacts in terms of air quality and dust, climate, and noise and vibration. Section 6.1.4 describes the proposed construction impacts under the following four headings.
- Demolition
 - Earthworks
 - Construction
 - Trackout

- 3.5 The four tables below set out estimated quantities for the demolition, earthworks and construction phases and highlights the quantities within the Lower Bride's Glen and N11 Crossing sections which affects our client's properties especially Waterfall Cottage.

Demolition:

Demolition includes any activity involved with the removal of an existing structure (or structures).

Volume of demolition works:

Area of works	Stone walls	Concrete	Paving / Road works	Total Volume (m³)
Clon Brugh	10.00	7.00	5.00	22.00
Belamine Park		93.00		93.00
Kilgobbin	253.00		5680.00	5933.00
Glenamuck Road North	58.00			58.00
Cherrywood Road				0.00
Bray Road				0.00
Lower Brides Glen	91.00			91.00
N11 Crossing			1394.00	1394.00
Commons Road	184.00			184.00
Brookdene				0.00
Bayview		17.00		17.00
Total Volume (m³)	596.00	117.00	7079.00	7792.00

- 3.6 It is proposed to demolish 91 cubic metres of stone walls at Lower Bride's Glen, all of it within our client's boundary. This volume is significant in the context of the entire flood relief scheme, which involves the demolition of 596 cubic metres of stone walls.

Earthworks:

Earthworks covers the processes of soil-stripping, ground-levelling, excavation, and landscaping.

Area for earthworks:

Area of works	Excavation area (m²)	Works area (m²)
Clon Brugh	272.00	1123.00
Belamine Park	295.00	1205.00
Kilgobbin	2028.00	4135.00
Glenamuck Road North	327.00	1499.00
Cherrywood Road	362.00	1603.00
Bray Road	1521.00	2669.00
Lower Brides Glen	256.00	1107.00
N11 Crossing	311.00	1317.00
Commons Road	1502.00	4881.00
Brookdene	367.00	1588.00
Bayview	238.00	1030.00
Total Area (m²)	7479.00	22157.00

3.7 A total of 567 sq. metres of earthworks will be excavated at Lower Bride's Glen and the N11 crossing. The proposed works area at Lower Bride's Glen comprises 0.11ha. which is a significant proportion of our client's total lands shaded green on Figure 2 above.

3.8 The following tables show the building volumes and materials for the construction phase with the works at Lower Bride's Glen and the N11 Crossing highlighted.

Total building volumes:										
Area of works	Concrete	Steel Sheet Piles	Stone Cladding	Paving	Backfilling	Layer works for roadworks	Asphalt Road Surfacing	Precast Concrete	Gabions	Total Volume (m³)
Clon Brugh	111.00		55.00	5.00	152.00					323.00
Belamine Park	147.00		80.00		188.00				22.00	437.00
Kilgobbin	293.00		142.00		336.00	949.00	38.00	176.00		1934.00
Glenamuck Road North	168.00		87.00		213.00					468.00
Cherrywood Road	205.00		112.00		130.00					447.00
Bray Road	227.00		97.00		488.00					812.00
Lower Brides Glen	178.00		113.00		92.00					383.00
N11 Crossing	23.00		225.00		658.00	151.00	83.00	125.00		1265.00
Commons Road	1114.00		225.00		926.00					2265.00
Brookdene	181.00		89.00		132.00					402.00
Bayview	138.00		78.00		151.00					367.00
Total Volume (m³)	2785.00	0.00	1303.00	5.00	3466.00	1100.00	121.00	301.00	22.00	9103.00

Area of works	Steel reinforcements (t)	Decorative railings (m)	Flood gates (m²)	Screen bars (m³)
Clon Brugh	14.00		1.98	
Belamine Park	19.00		4.2	
Kilgobbin	37.00	86.00		
Glenamuck Road North	21.00	169.00		0.51
Cherrywood Road	26.00		1.71	0.85
Bray Road	29.00		6.9	
Lower Brides Glen	23.00	129.00	3	
N11 Crossing	4.00	12.00		
Commons Road	139.00			
Brookdene	23.00	185.00		
Bayview	18.00			
Sub-totals	353.00	581.00	17.79	1.36

3.9 EIAR Table 6.7 records that there are approx. five sensitive receivers within 20m of the site in the Lower Bride's Glen (Defence 4B). Sensitivity to Dust Soiling Effects on People and Property is classified as "High" for sensitive receivers within 50m of the site.

3.10 The plot occupied by Waterfall Cottage is on both sides of the river. Waterfall Cottage and its private garden are located on the west bank of the river and will be adjacent to the planned flood defences. Our client's home is therefore particularly sensitive to the construction works impact and to dust soiling effects during demolition, excavation, and construction.

- 3.11 Section 6.1.5 outlines the construction mitigation and sets out various measures under a number of headings; communications, site management, preparing and maintaining the site et al. However, this general approach to mitigation is insufficient and lacking in detail to explain how DLR will address the challenge of implementing the construction works at our client's property given the position of the house next to the river.
- 3.12 It is proposed to construct 129m of reinforced concrete retaining wall from a point within the curtilage of Cherrywood Cottage through the entirety of Waterfall Cottage to the inlet at the N11 Overflow Culvert next to Rose Cottage, so our client's property will be exposed to the construction activities at Flood Defences 4B and 4C. In terms of noise and vibration, Waterfall Cottage will be subject to adverse impacts during the works. The extracts from Table 6.17 below indicate the predicted worst-case 1-hour construction noise levels at three distances from the works.

Table 6.17: Predicted worst-case 1-hour construction noise levels at receiver locations within 50m and 100m in proximity to short-term construction works.			
4.A	Cherrywood Road – New reinforced concrete flood relief walls, installed over the existing retaining walls and slopes along the left bank of the Brides Glen River, within the gardens of 3 no existing residential properties.	1 No. Excavator, 1 No. Dump Truck, Concrete Mixer Truck & Wall construction	~10m - 77 dB(A) Leq, 1 Hr ~50m - 59 dB(A) Leq, 1 Hr ~100m - 52 dB(A) Leq, 1 Hr
4.B	Cherrywood Road – New reinforced concrete flood relief walls, within a private garden (Waterfall Cottage)	1 No. Excavator, 1 No. Dump Truck, Concrete Mixer Truck & Wall construction	~10m - 77 dB(A) Leq, 1 Hr ~50m - 59 dB(A) Leq, 1 Hr ~100m - 52 dB(A) Leq, 1 Hr

- 3.13 EIAR Section 7.4 identifies Waterfall Cottage as a “principal potential receptor” and refers to the proposed flood defence measures in the vicinity of our client's home as follows.

<p>Lower Brides Glen – Measure 4.B</p> <p>The proposed flood defence wall will be installed in close proximity to Waterfall Cottage which will require access to and the use of the private garden and driveway.</p> <p>Once operational, the property will no longer be within the 1% AEP flood extent. Operational activities in the area will be passive flood protection, with periodic inspection and maintenance as required.</p> <p>N11 Culvert – Measure 4.C</p> <p>A headwall will be installed at both the upstream and downstream ends of the pipeline. The upstream structure is located within the private lands of Waterfall Cottage. Although the upstream headwall will involve lands being acquired from a private landowner, these lands are currently unused with heavy overgrowth.</p> <p>Operational activities in the area will be passive flood protection, with periodic inspection and maintenance as required.</p>
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- 3.14 Measure 4 B recognises that the flood defence wall will be constructed close to our client's home and states that access and the use of the private garden and driveway at Waterfall Cottage will be required. Presumably access is needed for an excavator, dump truck, and a concrete mixer as per the extract from EIAR Table 6.17 above, but details of the nature of the access and/or the duration of such access are not provided.

3.15 Measure 4 C requires the carrying out of significant works within the curtilage of Waterfall Cottage and the acquisition of a portion of our client's land. Details of the acquisition are not indicated. Our client's comments with respect to the proposed works at the inlet are described at paras. 2.13 to 2.15 inclusive above.

3.16 Construction phase impacts are predicted at section 7.5.2 of the EIAR as follows.

Impacts on Residential, Recreational, Commercial, and Community Amenity

The majority of the works are proposed in or near residential areas and some temporary impacts are likely to be unavoidable. These are easily mitigated against and will be outlined in the operating plans devised by the appointed contractor.

3.17 EIAR Section 7.6.1 sets out the measures to mitigate the predicted impacts during the construction phase. For the most part, the mitigation measures are generic and commit to appointing a Project Supervisor Construction Stage (PSCS) and managing the construction phase in accordance with the relevant legislation and best practice. This is a reasonable description of the proposed mitigation of the likely construction impacts on the receiving environment generally, but it does not identify and/or mitigate the serious impacts likely to be visited upon our client's properties including Waterfall Cottage, which is located next to the river and will be disproportionately impacted by the proposed construction works.

3.18 It is concluded at EIAR Section 7.7.2 that the residual effect arising from "construction to population and human health will be **temporary, slight, negative** and **not significant**." The likely impact of the construction works upon our client's properties including his home at Waterfall Cottage cannot reasonably be characterised as "slight" and "not significant" based on the limited information submitted with this application. Specific mitigation measures to address our client's concerns have not been included to justify this finding in relation to the residual adverse effect at Waterfall Cottage.

3.19 Our client therefore invites the Board to request DLR to indicate its site-specific proposals and mitigation measures in relation to the construction works at Lower Bride's Glen and the N11 culvert within the curtilage of our client's properties.

3.20 Chapters 13 and 14 of the EIAR assess the Cultural Heritage and Landscape/Visual Impact respectively.

3.21 The following extracts from Section 13.4.5 is the most complete description of the flood defence works envisaged along the Bride's Glen River including the inlet to the overflow culvert at the N11 Crossing.

13.4.5 Lower Brides Glen and N11 Overflow Culvert FRS Measure

Proposed Development

The installation of c.129m of new flood defence walls replacing the existing retaining walls and slopes along the left bank of the Brides Glen River to the rear of the existing residential properties ranging in height between 0.4m to a maximum total height of circa 2.9m. Installation of 2x flood gates, continuous with the proposed flood defence wall, to provide access to the stream and to existing pedestrian bridge. The installation of a new c.53m overflow pipe of 2.4m diameter underneath the N11 (Figure 13.35).

The extent of the proposed walls will be stripped of topsoil and excavated to the required foundation depth, which will depend on ground conditions. Instream works will be necessary for the installation of the inlet weir and headwall structures.

- 3.22 The extract below is also from EIAR Section 13.4.5 and describes the built heritage impacts on Waterfall Cottage.

Built Heritage Impacts

Waterfall Cottage (RPS Ref: 1770) is a thatched structure, located on the left bank of Loughlinstown River South, the property and its linear garden along the riverbank enjoys open access to the river. A low rubble stone granite-built retaining wall (CH11) is built into the riverbanks and there is stepped access into the river at the upstream end of the property and directly in front of the cottage (these are described in detail in the UAIA report Appendix 13.5). Waterfall House is an important surviving example of traditional thatched roof workmanship, having a functional and aesthetic relationship to Loughlinstown River South. Access to the river will be retained in the area directly in front of the cottage location, a flood gate inserted here.

A photomontage the upstream view of the cottage, is provided in the LVIA Chapter 13. The images are extracted as follows in Figure 13.36 (existing view) and Figure 13.37. The construction of a c. 1m-1.5m high flood wall at Waterfall Cottage have a permanent negative visual effect and effect on the setting of the structure. However, preventing the future flooding of the structure will have a **positive effect** on the physical fabric of the structure.

- 3.23 The assessment admits that the construction of a 1m-1.5m high flood wall (presumably height above ground level) on the west bank of the river at Waterfall Cottage will have “a permanent negative visual effect and effect (sic) on the setting of the structure.”
- 3.24 Notwithstanding this permanent negative impact, it is considered that the prevention of future flooding will have a positive effect on the fabric of the structure. The above extract refers to the existing view in Figure 13.36 and the photomontage showing the proposed flood defence walls in Figure 13.37. These figures tend to conceal, rather than reveal, the permanent negative impact upon Waterfall Cottage for the following main reasons.
- 3.25 First, Waterfall Cottage is barely visible in Figure 13.36 because the photograph is taken at a considerable distance and Waterfall Cottage is largely obscured by intervening vegetation and Rose Cottage in the foreground.
- 3.26 Second, Figure 13.37 shows the proposed inlet and the flood defence wall around Rose Cottage, and does not really show Waterfall Cottage. In fact, this chapter does not include a good picture of Waterfall Cottage, which is astonishing given its heritage significance.

- 3.27 Third, the flood defence at Waterfall Cottage is not shown clearly enough on Figure 13.37 or on any other document in this application to reach an informed conclusion regarding the likely permanent impact upon the setting of this protected structure.
- 3.28 The conclusion in relation to cultural heritage appears based upon the flood protection, but there is no evidence of any real consideration of the impact of these works upon the built heritage at Waterfall Cottage. Nonetheless, the assessment at EIAR Section 13.4.5 concludes that the construction of a 1m-1.5m high by 129m long flood wall on the bank of the river at Waterfall Cottage will have a permanent negative visual effect on the setting of the protected structure.
- 3.29 The following extract refers to the impact upon Rose Cottage, which is shown in Figures 13.36 and 13.37.

Upstream at the Loughlinstown bridge there is a single storey c. late 19th century derelict structure overgrown with vegetation (UAIA Report Ref. ADCO1, Appendix 13.5), which has an open aspect to the river. A flood wall will be constructed south and east of the structure. The structure is of Low significance, the addition of a new boundary wall will have a Low magnitude of effect, resulting in a Slight negative effect on the setting of the property.

- 3.30 It is proposed to permanently remove the pedestrian footbridge over the river providing access at Rose Cottage, which is a permanent negative impact on this structure. Figure 13.37 shows that the proposed flood walls will effectively “seal off” Rose Cottage thereby permanently eliminating any future development potential. The Board will note that DLR approved our client’s application for a Derelict Refurbishment grant in November 2023.
- 3.31 The extract below identifies the cut stone bridge as an undesignated cultural heritage feature and concludes that the proposed N11 culvert will not impact on the historic bridge structure. However, the mitigation measures do not specify similar stone material and a high quality finish to the new N11 culvert, which is disappointing.

The UAIA records and describes the N11 culvert, which is built onto an earlier single arch barrel-vaulted cut stone bridge on the upstream site. The bridge, labelled as Loughlinstown Bridge on historic mapping is an undesignated cultural heritage structure (UAIA Ref U189, Appendix 13.5). The proposed N11 overflow culvert works will not impact on the existing historic bridge structure.

- 3.32 The mitigation measures at EIAR Section 13.5 do not include details of the methodology for implementing the flood defence measures within our client’s lands. Specifically, there is no explanation or construction method statement to explain how the existing wall along the river at Waterfall Cottage will be removed to facilitate the construction of the proposed reinforced concrete flood defence.

- 3.33 These works include the removal of the existing granite stone wall, the storage of the granite for re-use, the excavation of foundations and the construction of a substantial reinforced concrete flood defence wall along the west side of the river. The construction of the flood defence wall therefore will entail heavy engineering works over an extended period within the curtilage of the Rogers's family home. The impact will be significant and negative yet this is not adequately captured in the EIAR.
- 3.34 Residual Impacts for Built and Cultural Heritage are outlined at EIAR Section 13.6, which state as follows in relation to Waterfall Cottage.

The overall effect on the built heritage environment will be positive, as potential negative construction phase impacts are mitigated by design and by the positive effect of preventing / reducing flooding which would cause degradation of the built heritage. The overall effect of the proposed FRS will be a reduction in flood extents, which will have a **positive effect** on cultural heritage receptors.

At present the undefended flood extents includes Kilgobbin House (RPS 1684), Kilgobbin Villa (RPS 1688), Priorsland (RPS1746), **Waterfall** Cottage (RPS 1770) and the flooding of these sites can cause a degradation to these cultural heritage receptors and their setting. The proposed FRS measures will defend these sites from flooding. In addition, there are a number of historic structures within the rivers such as Shanganagh Bridge (RPS 1772) and other undesignated bridges and features (CH10, CH5, ADCO1) that are especially vulnerable to flood events which will be strengthened to withstand flooding events. The protection of these cultural heritage receptors from flood events serves as a mitigating factor to potential construction phase effects and effects to setting. These features will be positively affected by the proposed scheme, the residual impact will have a **Slight positive significance of effect**.

- 3.35 Our client disputes this claim regarding "mitigation by design" at our client's property because the EIAR does not elaborate any measures to mitigate the real negative impacts upon Waterfall Cottage and our client's properties during the construction phase for the reasons set out herein.
- 3.36 Without prejudice to our client's concerns regarding the proposed works and the serious negative construction impacts associated with these works, if the scheme is approved as is or as modified by the Board, Mr. Rogers requests the Board to attach a condition that the flood defence wall at Lower Bride's Glen is faced with granite to both sides in the interest of cultural heritage and to mitigate the permanent negative impact upon the setting of a protected structure.

3.37 EIAR Chapter 14 contains the landscape and visual impact assessment. The landscape impacts are summarised in Table 14.4 below and described at EIAR Section 14.3.3. In keeping with the general approach in the EIA, the assessment summarises the impact of the FRS project as a whole and it misses the serious localised impact upon individual properties, such as Waterfall Cottage.

Table 14.4: Landscape Impact Assessment

Proposed Development Area	Sensitivity	Magnitude of change	Predicted impact and duration	
			Construction	Operation
Clon Brugh	Low	Negligible	Temporary, negative, slight	Permanent, negative, Imperceptible
Belarmine Park	Low	Negligible	Temporary, slight negative,	Permanent, Imperceptible
Kilgobbin Road	Low	Low	Temporary, negative, moderate	Permanent, negative, Imperceptible
Glenamuck Road	Low	Negligible	Temporary, negative, moderate	Permanent, negative, Imperceptible
Cherrywood Road	Low	Medium - Low	Temporary, negative, moderate	Permanent, negative, Slight
Lower Brides Glen Road	Low	Low	Temporary, negative, moderate	Permanent, negative, Imperceptible
N11 Culvert	Low	Negligible	Temporary, negative, slight	Permanent, Imperceptible
Commons Road	Medium	Negligible	Temporary, negative, moderate	Permanent, negative, Slight
Bayview Glen	Low	Low	Temporary, negative, slight	Permanent, negative, Imperceptible
Bray Road	Low	Negligible	Temporary, negative, slight	Permanent, negative, Imperceptible

3.38 The extract from Table 14.5 below shows the predicted impacts of the Lower Bride's Glen Defence Measures at receptors LBG1 (Waterfall Cottage) and LBG3 (Cherrywood Cottage). The sensitivity of our client's properties is classified as "low" for the landscape assessment yet both receptors, i.e., LBG1 and LBG3 have a "high" sensitivity in respect of the visual impact assessment.

Receptor No.	Distance from proposed development	Sensitivity	Magnitude of change	Predicted impact and duration	
				Construction	Operation
LBG 1	0m	High	Medium	Temporary, moderate, negative	Permanent, moderate, negative
LBG 2	13m	High	Negligible	Temporary, slight, negative	Permanent, imperceptible
LBG 3	25m	High	Neutral	Temporary, imperceptible	Permanent, imperceptible

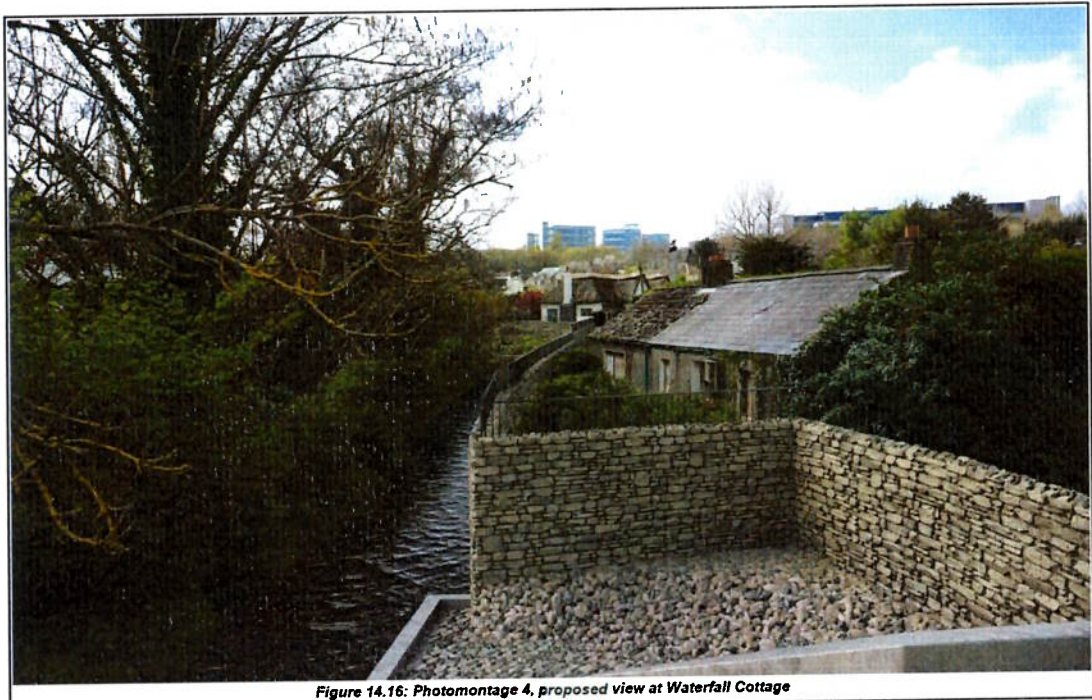


Figure 14.16: Photomontage 4, proposed view at Waterfall Cottage

- 3.39 EIAR Figure 14.16 above purports to show the visual impact of the flood defence works upon Waterfall Cottage (this figure is a replica of Figure 13.37 referenced at paras. 3.24 and 3.30. Figure 14.16 merely shows the permanent negative impact at Rose Cottage. By virtue of the distance to Waterfall Cottage, the angle at which the original photograph was taken and the intervening vegetation, Figure 14.16 is of virtually no assistance in terms of assessing the visual impact of the proposed works at Waterfall Cottage.
- 3.40 Having regard to the extent of the proposed flood defence works within the curtilage of a protected structure and the proximity of these works to the house and rear garden, it is difficult to fathom why the application documents do not include an image showing the likely impact upon Waterfall Cottage. Ideally, the application should include imagery to enable a robust assessment of the works within the curtilage of the protected structure.

CONCLUSION

The information in DLR's application describes the overall project reasonably well. However, the application documents are seriously lacking in detail viz-a-viz the impact upon our client's property where extensive works including the construction of a reinforced concrete retaining wall (129m up to 2.83m high) along the west side of the river are proposed.

EIAR Chapter 2 does not demonstrate adequate consideration of alternatives for the N11 Culvert including the enlargement of the existing culvert or an alignment to the east of the existing culvert.

The alternatives considered do not include the retention of the existing stone wall and then raising its height above the predicted 1% AEP flood level. This option achieves the required flood defence and significantly reduces the adverse construction impacts at Waterfall Cottage.

The flood defence works at Lower Bride's Glen 4B at Waterfall Cottage are not shown adequately on the lodged drawings or in the photomontages in the EIAR. The information in the Construction Environment Management Plan is generic and is pitched at project level. Save that access and the use of the private garden and driveway at Waterfall Cottage is required, the CEMP does not set out a site-specific construction methodology or indicate the measures proposed to mitigate potential adverse impact upon our client's property during the works phase.

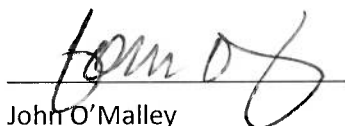
An Bord Pleanála cannot properly assess the impact of the works upon our client's residential properties based on the information lodged. In our opinion, DLR should be requested to submit detailed accurate drawings and sufficient information to explain the Flood Defence Measures 4B and 4C in the Lower Bride's Glen and N11 Crossing respectively.

Notwithstanding our client's objections, and without prejudice to his concerns regarding DLR's proposals, if the Board approves the Flood Relief Scheme, we invite the Board to attach conditions along the following lines or amended conditions as the Board sees fit.

- DLR shall engage a suitably qualified and experienced Conservation Architect to advise in relation to works within the curtilage of 'Waterfall Cottage,' which is a protected structure.
- The proposed flood defence wall in Measures 4.B and 4.C shall be faced in granite stone on both sides.
- The proposed culvert and N11 Crossing shall be faced in granite stone.

Kindly acknowledge safe receipt, and direct all correspondence to this office.

Yours faithfully,



John O'Malley

Kiaran O'Malley and Co. Ltd.

Encl

ENCLOSURE

1. Submission Fee € 100 [includes € 50 oral hearing request fee]