

Our Ref: JS0007

Your Ref:

Robert Fennelly,
Dublin City Council,
Planning Dept.,
Block 4, Floor 3,
Civic Offices,
Wood Quay, Dublin 8.



Date: 2nd June 2010

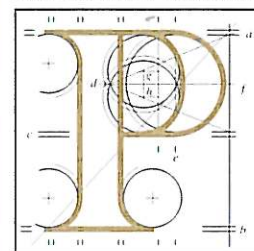
Dear Sir,

In response to your request please now be advised that the following constitutes the Board's written opinion on the information to be contained in the environmental impact statement to be prepared in respect of the above-mentioned proposed development. Please also find attached comments received by the Board from statutory bodies in respect of the proposed development.

1. The Proposed Development - To this end, and in accordance with Schedule 6, paragraph 2, the EIS will be required to include a detailed description of the proposed development, - in this case not just the proposed development of Phase 1A, but also the remaining phases and how these phases will integrate with each other by way of a master plan. Consideration of alternatives, in terms of location and design, as well as proposed uses should also be addressed in the body of the EIS.
2. The Existing Environment - The existing environment and the impacts of the development are explained by reference to its possible impact on a series of environmental topics:-
 - Human Beings
 - Fauna and Flora
 - Soil
 - Water
 - Air
 - Climatic Factors
 - The Landscape
 - Material Assets, including the Architectural and Archaeological Heritage, and the Cultural Heritage
 - The Inter-Relationship between the above factors

In terms of the receiving environment, the EIS shall include all areas that would be impacted upon, directly or indirectly, by the proposed development. The information contained in the EIS should therefore be based on comprehensive surveys of the area and have regard to updated

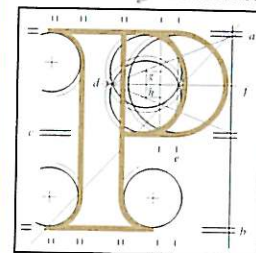
An Bord Pleanála



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data bases which may exist in terms of flora, fauna, fisheries and other ecological information. The EIS should accurately describe the receiving environment in terms of geology, geomorphology and hydrology, as well as a physical description of the site proposed for development in Phase 1A and in the remaining development phases of the overall master plan.

3. The Impacts of the Proposed Development - Impacts should address direct, indirect, secondary, cumulative, short, medium and long-term, permanent, temporary, positive and negative effects as well as impact interactions. None of the topics outlined above (Human Beings, Fauna, Flora etc) should be omitted at the risk of invalidating the legality of the process, although their level of detail may differ depending on the likelihood of impacts. In some instances it may be sufficient to mention the topics while explaining the reasons for omitting ("scoping out") or providing minimal detail about the topic. This will be considered further below.

An assessment of the impact of Phase 1A within the Master Plan area, and the cumulative impact of Phase 1A and Phases 1B and 2 on the surrounding fringe areas bordering the master plan site, should be provided within the EIS.

Further to the above, details of the environmental impacts of the development during the demolition, construction and operational phases of the development should also be described and assessed by reference to base information which should be collated and presented within the E.I.S. The EIS will also be required to provide information regarding the nature, quantities and source of materials to be used in the overall development. Information will also be required on volumes and nature of waste materials likely to be generated in the demolition phase and proposed means for disposal of same.

4. The Measures to Mitigate Adverse Impacts - The EIS shall be required to provide details of both positive and adverse impacts resulting from the proposed development. These shall be precise and unambiguous. Where adverse impacts are likely to result, appropriate mitigation measures shall be identified where necessary and shall clearly indicate where and with whom responsibility for the implementation of the mitigation measures lies. The EIS shall also provide information relating to the monitoring of the impacts of the development on the environment.

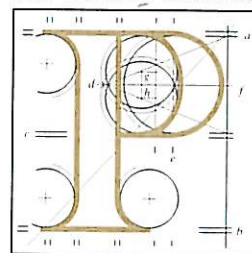
5. A Non-Technical Summary - The EIS must contain a non-technical summary of the detailed information contained within the EIS. The language of this summary shall be non-technical in nature and should provide clear details of the environmental effects the development will have, as well as all significant effects and mitigation measures proposed. The description of the development in this summary should clearly explain and describe all aspects of the proposed development such that



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the EIS is accessible in terms of public understanding of the process and to facilitate full public participation and consultation in the process.

In terms of specific environmental topics the development is likely to impact upon, the EIS should, in particular, address the following matters:

Human Beings

- Given the nature of the existing site, and the fact that residents will have to be re housed in order to facilitate demolition and construction, the EIS should address specifically the likely effects on the health and safety of human beings during all phases of the development, including, demolition, construction and operational phases. Hence physical impacts on residents within the Masterplan area, and on residents in adjacent areas, particularly, in terms of dust, noise, and traffic should be described and assessed.
- Community impacts should be considered.
- The development should also be described and assessed in terms of impacts on the existing social infrastructure, including the degree of support it offers to the existing and new communities as part of the regeneration process.
- The phasing of the development and the construction management details should be described and assessed in relation to impacts on existing residential amenities.

Fauna and Flora

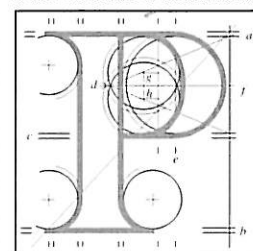
- Given the brownfield nature of the site, and its location within an urban setting, the EIS should provide an assessment of the impact of the development on the ecology in the receiving environment.
- The development should be described in terms of planting and landscaping to be provided notably the public park in Phase 1A, and the impacts, functional, physical and visual deriving from any open spaces and planting of the landscaping plans for the site.
- In particular, the developer is referred to Circular Letter NPWS 2/07, Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 which relate to the protection of certain species and applications for derogation licenses.
- The EIS should pay particular attention to the possible presence of bats and should provide full details of a bat survey, together with mitigation measures if necessary.



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Soil

- Having regard to the brownfield nature of the site, the EIS should provide the necessary information in accordance with the requirements of the EPA Guidelines on the Information to be contained in Environmental Impact Statements, 2002.
- The EIS should also provide information relating to the amount and description of materials disturbed or excavated on the site and proposals for the storage, reuse and disposal of material excavated or otherwise generated during the demolition and construction phases of development.
- An assessment of the impact of such excavations or other ground disturbances on surface waters should be provided.
- Details of the types and nature of materials imported to the site during construction together with construction methods to be employed.
- Mitigation measures to prevent or minimise emissions from the site during demolition and construction phases, to waters should also be provided.

Water

- Further to the above requirements, the impact of materials to be excavated and / or stored on the site will require to be considered in terms of the potential impact on surface and ground waters in the area of the site, and how they could impact on the aquatic environment of rivers in the vicinity, notably, the River Liffey. The development should also be described in terms of mitigations measures in this regard.
- In this regard, the groundwater levels will require to be established and considered against the proposed finished floor levels of buildings, together with an assessment of the impact of the development on the drainage regime of the overall area.
- The EIS should address measures to protect against flooding.
- Water service issues and any potential impact on receiving waters will require to be addressed and the adequacy of water supply in the area in terms of fire fighting purposes, as well as potable supplies to the development should be considered, taking into account the existing needs in the vicinity.
- The EIS should provide information relating to the coordinated provision of physical infrastructure and services, in terms of the cumulative impact of the overall master plan site area.

Air

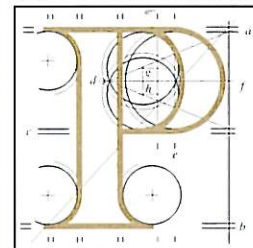
- In terms of potential impacts on air, I consider that this will be particularly relevant during the demolition phase of development. The EIS should therefore provide appropriate and up to date baseline data and describe any mitigation measures deemed necessary to minimise adverse impacts on air quality in the vicinity of the site.



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The Landscape

- An assessment of the proposed development on the receiving landscape will be required to be undertaken as part of the EIS. This assessment should address existing visually prominent and functional features in the urban landscape and should provide an assessment of the visual impact of the development as it relates to the surrounding residential areas in particular.
- This section of the EIS might include a series of photomontages or another form of visual aid, and the views should be taken to and from the most vulnerable locations in the vicinity of the site. Plans and sectional drawings should also be included in order to provide clarity.
- The development should describe the nature and function of all aspects of landscaping including landscaping which facilitates permeability with adjoining areas. The EIS should also identify if open space is to be graded.

Material Assets, including the Architectural and Archaeological Heritage, and the Cultural Heritage

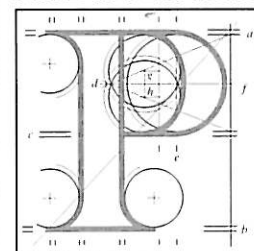
- Given the nature and location of the subject site, it may be that there will be little or no impact on the archaeological heritage of the area. It is recommended however, that this issue be specifically investigated.
- Baseline archaeological data should be provided for the site including location, extent and nature of any existing archaeological finds. Proposed mitigation measures to be undertaken where such archaeological remains will be interfered with shall be described.
- The scale and design of the proposed development should be assessed in terms of architectural impacts within the Master Plan area and its impacts on architecture in adjoining residential areas outside the Master Plan area. The development should be described and assessed in terms of its integration with the existing adjoining area, particularly with regard to architectural character. The architectural character should be referenced to adjacent residential streets, zoned Z2, Residential Conservation Zones.
- Consideration should be given to structures of architectural merit which are at a remove from the site but which may be affected due to works associated with the proposed development. Structures of architectural merit should include those buildings which contribute to the character of the area and which may not be included in the RPS for Dublin City as yet.
- It may be considered appropriate that buildings of architectural merit may assist in providing a context and backdrop for the new development.
- Consultation with the City Conservation Officer regarding any impact on structures would be useful.



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Traffic Issues

- Given the location of the site, and the fact that Dublin Bus run a service through the site at present, a description of the traffic impact resulting from the proposed development shall be provided as well as a description of mitigation measures deemed necessary. A full assessment of public transport services and linkages through the site shall be provided for within the EIS, including mitigating measures to minimise the impact of the development, notably during the demolition and construction phases.
- The traffic analysis to be prepared for the EIS shall have regard to the existing patterns of traffic, on the site as well as the surrounding road network. The analysis shall also include considerations of directional flow, provision of bus gates and considerations of the capacity of the adjoining road network to accommodate the development.
- The EIS should also address traffic generated by the development, during demolition, construction and operational phases of the development, and should include information on the volume and type of traffic (including details of any unusually heavy, high or wide loads) likely to be generated during these phases of the development.
- The EIS should consider the environmental effects of such heavy traffic, and should clearly provide details regarding proposed routes to and from the site, in particular, during the demolition and construction phases of the development.
- In considering traffic related issues, the EIS should address any cumulative issues which may / will arise in the overall development of the Master Plan site, and should have regard to other recent major developments in the vicinity of the site, including the new Courts complex on Infirmary Road.
- The development shall be described in terms of its permeability with surrounding areas and the traffic arrangements which will facilitate such permeability, including pedestrian and cycle traffic.

Other Issues

- The EIS should consider the cumulative impact of the overall master plan site in relation to the provision of physical infrastructure, including all water services, drainage, utilities and the layout of the proposed new streets.
- Having regard to the commercial element proposed within Phase 1A, and depending on the intended nature of the uses of those commercial units, the EIS should demonstrate that the provision of neighbourhood retail facilities is appropriate to the subject location.
- In the greater master plan proposals for the overall site, and the proposal for a mixed use retail complex in Phase 1B, a Retail Impact Assessment should be undertaken, and its findings considered against the Dublin Retail Strategy in this regard.



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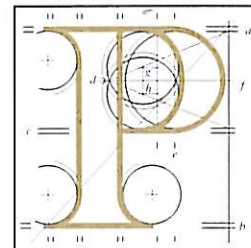
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- The EIS should also describe the development in terms of the degree of private open space likely to be available to the future residents, including the nature and areas intended to be provided.
- The EIS should describe the density of the development, and in particular, in comparison to surrounding fringe areas.

Yours faithfully,

Kieran Somers
Kieran Somers
Executive Officer

An Bord Pleanála



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Cornhshaol, Oidhreachta agus Rialtas Áitiúil
Environment, Heritage and Local Government



1st February 2010

An Bord Pleanála,
64, Marlborough St,
Dublin 1

Your Ref: 29N. Js0007

Our Ref: G2010/17

Re: Environmental Impact Statement for the masterplan for O' Devaney Gardens area by Dublin City Council

A chara,

Please find below the architectural heritage recommendations of the Department of the Environment, Heritage and Local Government in relation to the above document.

Architectural Heritage

Environmental impact assessment for the proposed development should take into account impact on the "material assets, including the architectural and archaeological heritage, and the cultural heritage."

Since the adoption of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999, S.I. 93 of 1999, which came into effect on the 1st May 1999, assessment of impact on 'architectural heritage' is now an integral part of the EIS process. This requirement is also included in the later Planning and Development Regulations.

Given the nature and location of the proposed development, it may be that there will be little or no direct impact on the architectural heritage of the area. It is recommended that this should be specifically investigated. Where it is found to be impacting it is recommended that this is clearly stated in the documentation. Doing so will help establish the 'technical' completeness of the environmental impact assessment for the purpose of the consent application.

It is also recommended that consideration is given in the assessment to structures of architectural heritage merit which are at a remove from the site but which might be affected by the proposed development. For instance, improving local or access roads could have an impact on a variety of structures which are either of architectural heritage merit in their own right or contribute to the character of the area. Similarly, the context of those structures forming the surrounding perimeter to the land-take of the development could be improved by both the nature and form of new proposals.

It should be noted that the identification of structures of architectural heritage merit goes beyond merely that included in the Record of Protected Structures (RPS) of the city development plan. Entries in the RPS will indicate those structures which are already known to and deemed by the planning authority to be of special interest. However, other structures of architectural heritage merit

may exist in a locality which either have not yet come to the attention of the planning authority or which the planning authority has not yet had an opportunity to include in the RPS.

It should be noted that, unless significant features of architectural heritage merit exist in proximity to the proposed development, it is unlikely that the presence of structures of architectural heritage merit will amount to a constraint as such on the proposed development. It may indeed be the case that these surrounding structures may assist in setting a context for new development and acting as a backdrop to it.


It is recommended that assessment of the architectural heritage merit of all structures, and the environmental impact upon them, is carried out by someone with a competence to make that assessment.

It may also be useful to consult with the city's Conservation Officer about any impact on structures of architectural heritage merit which might occur on foot of the proposed development.

Is mise le meas,

A handwritten signature in dark ink, appearing to read 'David Tuohy', written over a horizontal line.

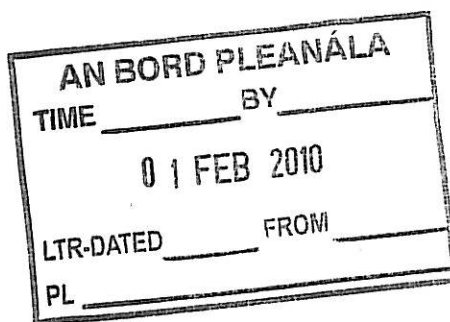
David Tuohy
Development Applications Unit
01 8883183
David.tuohy@environ.ie



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

29th January 2009

An Bord Pleanála,
64, Marlborough St,
Dublin 1



Our Ref: G2010/17

Re: EIS Scoping for Dublin city Council Masterplan for EIS Scoping for Dublin City Council Masterplan for O'Devaney Gardens, Dublin 7.

A Chara,

Please find below the nature conservation recommendations of the Dept. of the Environment, Heritage and Local Government in relation to the above scoping document.

We have read the EIS scoping report and are satisfied that the issue of flora and fauna will be addressed. The masterplan area is an existing urban area. We recommend that particular attention is paid to bats which may be present in any buildings to be demolished and that the EIS contain the result of a bat survey and mitigation measures if necessary. We refer you to Circular Letter NPWS 2/07 Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 – strict protection of certain species/applications for derogation licences, which can be found on our website www.npws.ie. Regarding this circular letter please note that there is a need for Wildlife Act licenses/derogations to be obtained in advance of the planning/part 8 process.

Is mise le meas,

David Tuohy
Development Applications Unit
01 8883183
David.tuohy@environ.ie



Roinn Cumarsáide, Fuinnimh agus Aemhannú Nádartha
Department of Communications, Energy & Natural Resources

Monday, 01 February 2010

Kieran Somers
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

**Re: Phase 1 Planning Application and Masterplan by Dublin City Council for
O'Devaney Gardens, Dublin 7**

Kieran,

Please see enclosed email reply sent today for your attention.

Regards,

Seána McGearty
Seána McGearty
Co-ordination Unit

| | |
|------------------|------------|
| AN BORD PLEANÁLA | |
| TIME _____ | BY _____ |
| 02 FEB 2010 | |
| LTR-DATED _____ | FROM _____ |
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Fáiltítear roimh comhfhreagras i nGaeilge

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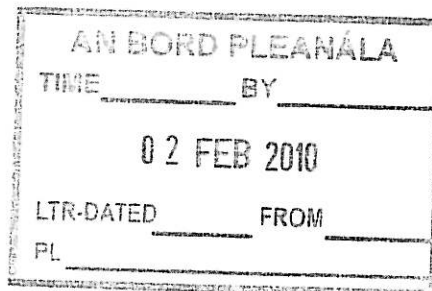
coordination.unit@deenr.gov.ie

Seana McGearty

From: Coordination Unit
Sent: 01 February 2010 12:38
To: 'bord@pleanala.ie'
Subject: Phase 1 Planning Application and Masterplan by Dublin City Council for O'Devaney Gardens, Dublin 7

Monday, 01 February 2010

Kieran Somers
 Executive Officer,
 An Bord Pleanála,
 64 Marlborough Street,
 Dublin 1



Re: Phase 1 Planning Application and Masterplan by Dublin City Council for O'Devaney Gardens, Dublin 7

Dear Kieran,

With reference to your correspondence dated 5th January 2010.

The Department of Communications, Energy and Natural Resources has no observations to make at this time. Please see below observations received from the Eastern Regional Fisheries Board;

"The scoping report proposes development of environmental (water quality and ecological) baseline datasets for the area according to the EPA's EIS best practice guidelines as would be expected. Any data resulting from this programme will provide a 'snapshot' of the existing ecological characteristics of the area at the time of survey. Pre-construction baseline data (biotic and abiotic) is essential within the EIA process and the Board would be delighted to contribute any information that may be relevant to the fisheries section. Potential impacts (likely and significant effects) of the development on the system should be comprehensively assessed and recommendations and mitigation measures should be formulated. The identification of good baseline data across a range of sites, both close to the development and at a distance from the site will allow for comparison between the current situation and that which may develop over time if development proceeds.

Development of the master plan area will potentially impact the River Liffey (an important salmonid system). The R. Liffey supports migratory populations of Atlantic salmon (Salmo salar, listed under Annex II and V of the EU Habitats Directive) and Sea / Brown trout in addition to many other fish species. Thus, it is vital to note that salmonid waters constraints apply to any development in this area. All proposed works must be designed and implemented in an environmentally sound and sustainable manner in order to protect and conserve the fisheries resource in this area.

As with any development, all measures necessary should be taken to ensure comprehensive protection of local aquatic ecological integrity, in the first place by complete impact avoidance and only as a secondary approach through mitigation by reduction and remedy. Only clean, uncontaminated water should leave the development site and drain to the river network. It is noted that the scheme provides for a substantial increase in residential / commercial units in the area. It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. The Water Framework Directive states that Member States must aim to achieve good status in all waters by 2015 and must ensure that status does not deteriorate in any waters. In compiling the EIS the following should be noted: Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, which requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, and Article 28(2) of the said Regulations, which states that a surface water body whose status is determined to be less than good shall be restored to at least good status not later than the end of 2015.

01/02/2010

The principles of sustainable development as set out in the National Sustainable Development Strategy adopted by Government should form the basis for the planned revisions. Infrastructural development should precede actual development at all times."

Regards,
Seána

Seána McGearty
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Earlsvale Road,
Co. Cavan

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Note: please don't print this email unless necessary

