



Planning Ref: PC/PKS/01/23
(Please quote in all related correspondence)

22 May 2023

Director of Services – Planning
Dún Laoighre Rathdown County Council
Marine Road
Dún Laoighre
Co. Dublin
A96 K6C9

Via email: planningreferrals@dlrcoco.ie

Re: Notification under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

Proposed Development: Part 8 application by Dún Laoghaire-Rathdown County Council for a proposed development at Shanganagh Park (Phase 1) comprising the development of one grass pitch with floodlights, the amalgamation and upgrade of the baseball and cricket facilities, a sprint track with floodlights, basketball area and calisthenics equipment, upgrades to entrances, street furniture, upgrades at the railway crossing to include new paths and ramps/steps with lighting and play space, to include all earthworks, drainage, fencing and netting, tree planting, meadow and all ancillary works at Shanganagh Park, Shankill, Dublin 18

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Archaeology

It is noted that the proposed development site is relatively large in scale (approx. 8.7ha). It is possible that hitherto previously unknown archaeological features/deposits may be disturbed during the course of groundworks required for the proposed development. Therefore, due to the scale of the proposed development and in line with national policy—see Section 3.6.2 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999—the National Monuments Service, Department of Housing, Local Government and Heritage recommends that an **Archaeological Impact Assessment (including Geophysical Survey and Archaeological Test Excavation)** be carried out before a decision is made on this Part 8 application.

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90

Newtown Road, Wexford, County Wexford, Y35 AP90



A report containing the results of this assessment should be submitted to NMS and the Planning Authority prior to any planning decision so as to facilitate the formulation of an appropriate and informed archaeological recommendation.

The following should be addressed:

The Archaeological Impact Assessment shall be carried out as follows:

1. The applicant is required to engage the services of a suitably qualified Archaeologist to carry out an Archaeological Impact Assessment (AIA) which should include a programme of Archaeological Geophysical Survey and Archaeological Test Excavation to respond to this request for Further Information. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
2. The archaeologist shall inspect the proposed development site (PDS) and detail the historical and archaeological background of the site (consulting appropriate documentary sources), and review all cartographic sources and aerial photographs for the area.
3. The Archaeological Geophysical Survey must be carried out under licence from The Department of Housing, Local Government and Heritage and in accordance with an approved method statement; note a period of 2-3 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
4. The Archaeological Test Excavation must be carried out under licence from The Department of Housing, Local Government and Heritage and in accordance with an approved method statement; note a period of 5-6 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
5. Test trenches shall be excavated at locations chosen by the archaeologist having consulted the site drawings and the results of the Archaeological Geophysical Survey. Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from NMS. Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.
6. Having completed the work, the archaeologist shall submit a written report to The Department of Housing, Local Government and Heritage and the Local Authority describing the findings of the AIA including the results of the geophysical survey and test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.
7. Where archaeological material is shown to be present, further mitigation measures will be required; these may include refusal, redesign to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. The Department of Housing, Local Government and Heritage will advise the Local Authority with regard to these matters. No decision should be made on this application until The Department of Housing, Local Government and Heritage and the Local Authority have had the opportunity to fully evaluate the findings of the AIA.



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 previously made a submission to Dún Laoghaire-Rathdown County Council on the 1.2.2022 in relation to the possible effects on biodiversity of an earlier Part 8 proposal (PC/PKS/03/2021) to develop the same section of Shanganagh Park as is the subject of the present application. For convenient reference this previous submission is included in Appendix I below to the present submission.

Three topics were considered in the Department's submission on the previous proposal for Shanganagh Park's possible effects on flora and fauna; these were the possible effects of flood lighting on bat species, the development's potential effects on smooth newt and frog known to breed in a seasonal pond located in a wooded area to the south east of where as part of the previous and current proposals a combined cricket and baseball pitch is to be laid out, and the construction of a new access ramp up to an existing foot bridge over the Dublin-Bray DART line which forms the eastern boundary of the development site that would have led to the clearance of most of a triangular area of scrub of high biodiversity value which extends south from the bridge along the railway line.

In relation to the possible effects of the flood lighting of pitches and the sprint running track proposed in the previous plan for the park on bats, this Department welcomed the timing of the periods when the flood lighting would operate so as to limit its impacts on bats, and it was noted that the adoption of this mitigation measure would be particularly valuable because a significant soprano pipistrelle bat roost was present in 'The Court' section of the St. Anne's Park residential estate immediately to north west of the area of Shanganagh Park to be developed. This Department now welcomes the similar seasonal and daily timing regime for the flood lighting set out in the current Part 8 proposal, and also the dropping of one of the football pitches to be flood lit from the present proposal, as any artificial lighting causes to a greater or lesser extent detrimental effects on bats and other animals. The Department considers it would also be beneficial for bat species, which under the Habitats Directive (92/43/EEC) are subject to a system of strict protection, if the lighting installed in 2021 (without referral to this Department) along paths along through the northern fringe of Shanganagh Park from St. Anne's Park to the footbridge and to the Bray Road could be altered so as to further minimise light pollution within the public park. The Department therefore recommends that as in the procedure currently followed by Dún Laoghaire-Rathdown County Council in the case of a foot path leading to Killiney Hill Park from Torca Road, Dalkey, the path lighting in the park is turned off for the small hours of the morning, or, that similar to the illumination regime being operated by South Dublin County Council on the Dodder Greenway where it traverses Dodder Valley Park in the Firhouse area, the path lighting should be movement activated between 8 PM and 6 AM.

In order to monitor any potential long term effects of the use of flood lighting in Shanganagh Park on bats, the Department also recommends that a program of annual monitoring of the soprano pipistrelle roosts located in 'The Court' St. Anne's Park in June should be instituted involving the censusing of the numbers of bats using these roosts in June each year when females are concentrated in such maternity roosts. If



declines in the numbers of bats using the roosts in 'The Court' are observed over time, and on investigation are considered to be attributable to the operation of flood lighting in Shanganagh Park (the operation of which should in addition be monitored), the periods when flood lighting shall be permitted could then be reduced to allow bat numbers to recover.

With regards to any potential effects of the proposed development on smooth newts and frogs associated with the seasonal pond present in the wooded area to the south east of the planned location of the cricket / baseball pitch, though a report by AWN included in the documentation supporting the present application concludes the development proposed will not affect the hydrology of this seasonal waterbody, the Department is disappointed that the suggestion in its submission on the previous development proposal that a small permanent artificial pond should be constructed close to the site of the seasonal pond has not been incorporated into the present proposal. The Department considers that the installation of a pond as a biodiversity enhancement measure is nonetheless warranted because, as noted in its previous submission, the installation in 2021 of lighting along the path referred to above running from St. Anne's Park to the Bray Road just inside the boundary of Shanganagh Park with the grounds of Shanganagh Castle which are currently being developed for housing by the Land Development Agency (LDA) has made the boundary ditch beside the path less suitable for use by smooth newts which were found to be probably using the ditch for spawning during survey work carried out to assess the possible impacts of the residential development, and also because of possible impacts from the residential development on newts using a pond situated in the Shanganagh Castle grounds circa a 100 m north west of the ditch to which a stream runs from the pond. Though measures to maintain the usage of the pond in the Castle's grounds have been incorporated into the residential development, it is not clear if these measures will succeed in achieving their intended purpose.

In addition in the current spring, as in the springs of 2021 and 2022, the seasonal pond has remained water free throughout the period when it would in the past have been used for spawning by smooth newts and frogs, preventing these amphibians breeding here for three successive years. The unusual weather patterns which have resulted in these dry springs are probably attributable to global warming, and combined with lighting of the boundary path and ditch and residential development of the Shanganagh Castle lands threaten the continued existence of Shanganagh Park's newt population. Consequently in the light of these threats the Department recommends that as a condition of the proposed park development and in order to conserve the populations of smooth newt and frog, both protected species under the Wildlife Acts, 1976 to 2022, present in Shanganagh Park by provision of a breeding site for them, a small permanent artificial pond should be constructed in the immediate vicinity of the seasonal pond basin, its design and exact location to be agreed with the Dún Laoghaire-Rathdown County Council Biodiversity Officer.

With regards to the clearance of part of the triangular area of scrub along the DART line which would have resulted from the construction of a proposed access ramp up to the park foot bridge over the railway from the south, the Department notes and welcomes that the orientation of the access ramp up to the bridge has been altered in the present proposal so that clearance of part of the scrub will no longer be required. Even though the scrub area was damaged by clearance works carried out apparently in February 2022 just after the Department's previous submission was made, the re-



orientation of the ramp now proposed should allow the scrub re-generate and the future use of the area for nesting by scrub associated bird species such as whitethroat and reed bunting.

It is also noted and welcomed that the current development proposal will result in more of the park area being managed as meadow than was provided for in the previous proposal. In particular the current mowing regime should be maintained for the strip of grassland between the foot path through the eastern section of the area of to be developed and the railway line where plant species such as cowslip and ragged robin currently occur so as to retain the presence of these species in this area into the future.

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

The Manager
Development Applications Unit (DAU)
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Simon Dolan
Development Applications Unit
Administration